

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** City of St. Paul (745 White Bear Ave) **FILE #:** 11-143-721
 2. **APPLICANT:** City of Saint Paul **HEARING DATE:** June 30, 2011
 3. **TYPE OF APPLICATION:** Rezoning-Council
 4. **LOCATION:** 745 White Bear Ave N,
 5. **PIN & LEGAL DESCRIPTION:** 272922440072; Kuhls 2nd Addition E 6 Ft Of Lot 2 And All Of Lot 1 Blk 4
 6. **PLANNING DISTRICT:** 2 **EXISTING ZONING:** OS
 7. **ZONING CODE REFERENCE:** §61.801(b); § 66.414
 8. **STAFF REPORT DATE:** May 31, 2011 **BY:** Matt Wolff
 9. **DATE RECEIVED:** May 18, 2011 **60-DAY DEADLINE FOR ACTION:** July 17, 2011
-

- A. **PURPOSE:** Rezoning from OS Office-Service to B2 Community Business.
- B. **PARCEL SIZE:** 40 feet (White Bear Avenue) by 120 feet (Reaney Avenue) with an area of 5842 square feet.
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:**
North: One-Family residential (R4)
East: One-Family residential (R4) and Community Business (B2)
South: Community Business (B2) and One-Family residential (R3)
West: One-Family residential (R4)
- E. **ZONING CODE CITATION:** § 66.414 establishes the intent of the B2 district; §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The property was rezoned from "A" Residence to Commercial in 1950 to build a medical and dental clinic (File # 2139). In 2005, the property was razed by the owner and demolished for "White Bear widening" (Folder # 04 097507). The property remains vacant.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 2 had not commented at the time this report was prepared.
- H. **FINDINGS:**
 1. The City of St. Paul is proposing to sell the 745 White Bear Avenue parcel to Nicole Cherry. Ms. Cherry, the owner of the Cherry Pit Bar at 735 White Bear Avenue, intends to use the parcel as supplemental parking for the Cherry Pit Bar. The parcel is currently zoned Office Service (OS). Since the parking lot would be an accessory use to the bar and is not permitted in a more restrictive zone, the City of St. Paul has applied to rezone the property B2. An alley runs between 745 White Bear Avenue and 735 White Bear Avenue.
 2. The proposed zoning (B2) is consistent with the way the area developed. Although immediately adjacent to properties with single-family residential zoning to the north, west and east, all four corners of the intersection of Minnehaha and White Bear Avenue to the south are commercial, as well as many properties farther north along the White Bear Avenue corridor. The proposed B2 zoning also permits future re-use of the property for other commercial purposes.
 3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Chapter identifies White Bear Avenue between Case and Minnehaha as a mixed-use corridor. The 2001 White Bear Avenue Small Area Plan encourages providing additional off-street parking for businesses.

4. The proposed zoning is compatible with the surrounding uses. The properties directly south and to the east are zoned B2. The lot is below grade.
5. Rezoning the property to B2 would not be considered spot zoning because it does not establish a use classification that is inconsistent with the surrounding uses. There is a B2 commercial district adjacent to the property to the south and another one along the east side of White Bear Avenue a few blocks to the north.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of 475 White Bear Avenue from OS Office Service to B2 Commercial.

#1200



PETITION TO AMEND THE ZONING CODE

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

266-6583 Paul

Zoning office use only
File # 11-143721
Fee 1200.00
Tentative Hearing Date:
PD=2 6-16-11
27292244 0072

APPLICANT

Property Owner Nicole Cherry Cherry P-L BAR+GRILLE
Address 735 WHITE BEAR AVE
City ST PAUL St. MN Zip 55106 Daytime Phone 651-408-5752
Contact Person (if different) Phone

PROPERTY LOCATION

Address / Location 745 WHITE BEAR AVE (KILLS 3rd ADDITION)
Legal Description ST PAUL MN 55106 (E 6' OF LOT 2, ALL 40 BLOCK 4 LOT 1)
Current Zoning OS
(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,
owner of land proposed for rezoning, hereby petitions you to
rezone the above described property from a OS zoning district to a B2
zoning district, for the purpose of:

PARKING LOT.

(attach additional sheets if necessary)

Attachments as required: [X] Site Plan



OK 3024 add 5/18/11

[] Consent Petition

[] Affidavit

Subscribed and sworn to before me
this May 18th day
of May, 2011.

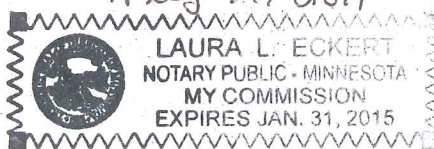
Priscilla Eckert 5/19/11

By: Nicole Cherry Fee Owner of Property

Title: CEO

Subscribed and sworn to me on May 19, 2011 Laura Eckert

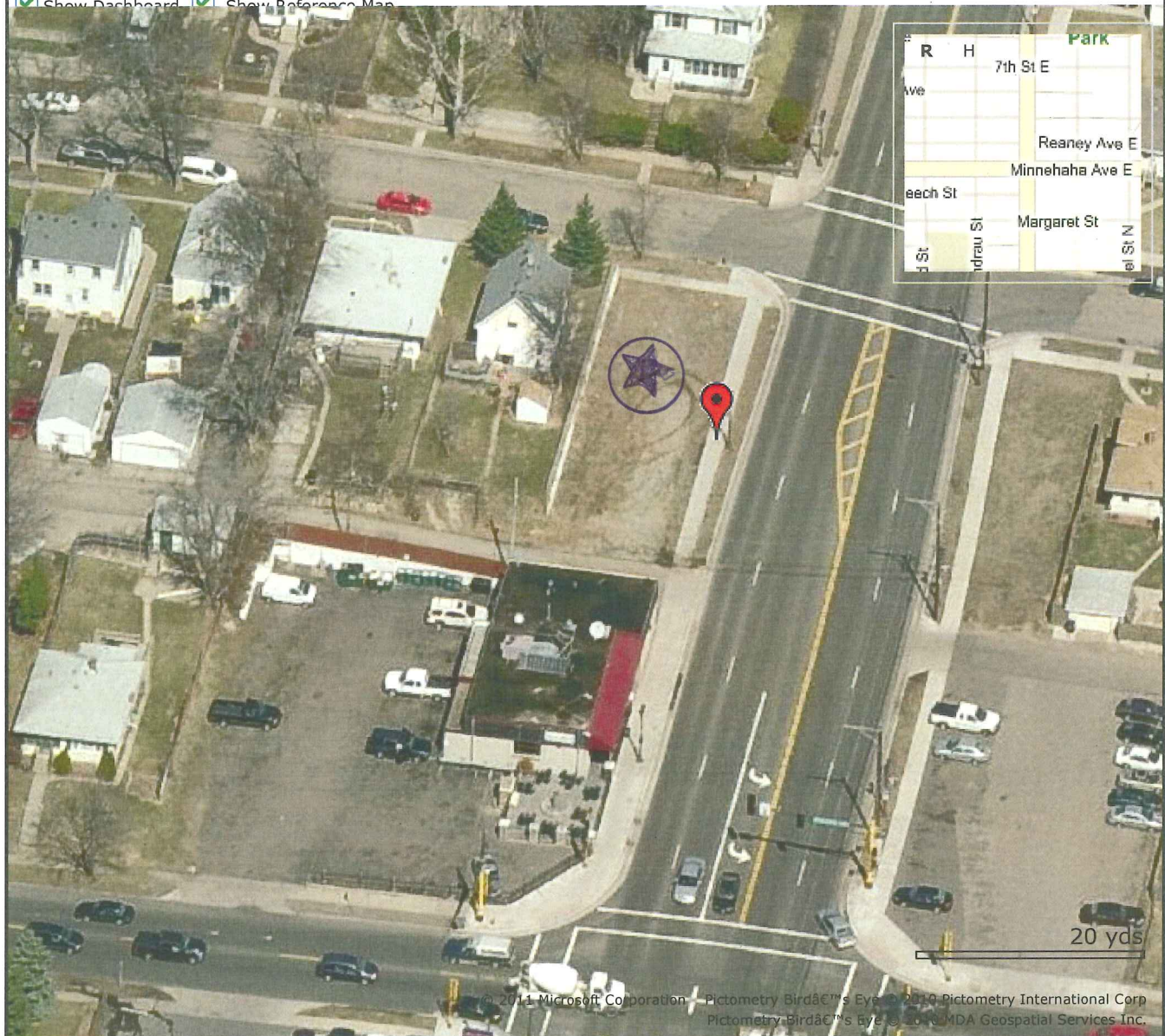
Notary Public signature

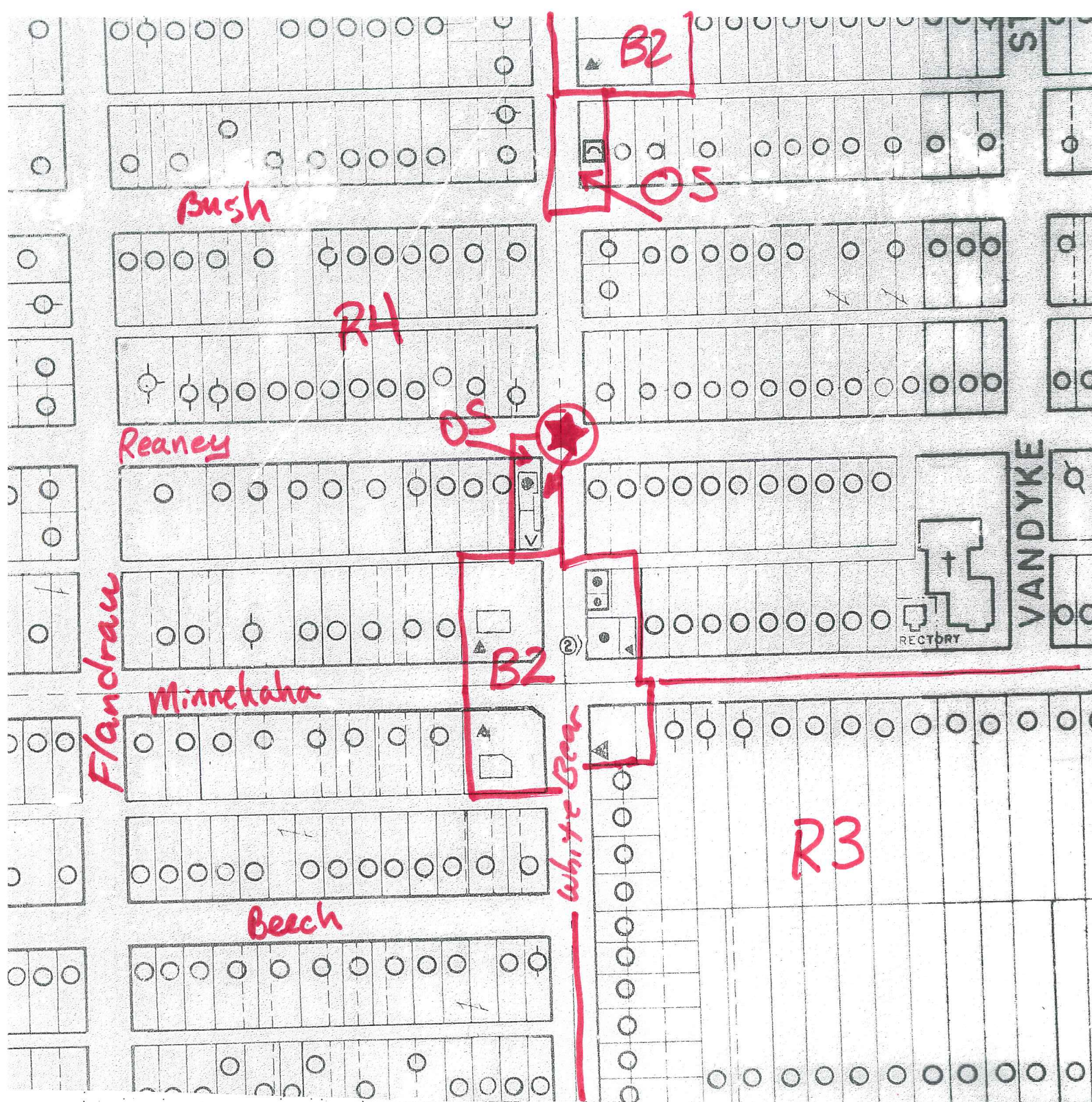


GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

☒ Show Dashboard ☒ Show Reference Map





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|-----------------|-----------------|----------------|---------|
| APPLICANT | City of St Paul | | |
| PURPOSE | REZ OS → B2 | | |
| FILE # | 11-143721 | DATE | 5-19-11 |
| PLNG. DIST | 2 | Land Use Map # | 15 |
| | | Zoning Map # | 12 |
| SCALE 1" = 400' | | | |

| LEGEND | |
|--------|--------------------------|
| | zoning district boundary |
| | subject property |
| | one family |
| | two family |
| | multiple family |
| | commercial |
| | industrial |
| | vacant |

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Nicole Cherry **FILE #:** 11-143-927
 2. **APPLICANT:** Cherry Pit Bar and Grille **HEARING DATE:** June 30, 2011
 3. **TYPE OF APPLICATION:** PC Variance
 4. **LOCATION:** 745 White Bear Ave N, SW corner at Reaney
 5. **PIN & LEGAL DESCRIPTION:** 272922440072, Kuhls 2nd Addition E 6 Ft Of Lot 2 And All Of Lot 1 Blk 4
 6. **PLANNING DISTRICT:** 2 **PRESENT ZONING:** OS
 7. **ZONING CODE REFERENCE:** 61.601; 61.202(b)
 8. **STAFF REPORT DATE:** May 31, 2011 **BY:** Matt Wolff
 9. **DATE RECEIVED:** May 18, 2011 **60 DAY DEADLINE FOR ACTION:** July 17, 2011
-

- A. **PURPOSE:** Variances of parking lot and driveway setback standards for an 8-space parking lot
- B. **PARCEL SIZE:** 46 feet (White Bear Avenue) by 120 feet (Reaney Avenue) with an area of 5842 square feet.
- C. **EXISTING LAND USE:** M-Vacant Land
- D. **SURROUNDING LAND USE:**
North: One Family residential (R4)
East: One Family residential (R4) and Community Business (B2)
South: Community Business (B2) and One Family residential (R3)
West: One Family residential (R4)
- E. **ZONING CODE CITATION:** §61.202(b) authorizes the planning commission to grant variances when related to rezonings and permits, using the required findings of MN Stat. 462.357, Subd. 6.
- F. **HISTORY/DISCUSSION:** The property was rezoned from "A" Residence to Commercial in 1950 to build a medical and dental clinic (File # 2139). In 2005, the property was purchased and cleared by the City of Saint Paul for "White Bear widening" (Folder #04 097507). The property remains vacant.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 2 had not commented at the time the staff report was written.
- H. **FINDINGS:**

1. Nicole Cherry is in the process of purchasing 745 White Bear Avenue from the City of St. Paul for use as an accessory 8-space parking lot to the Cherry Pit Bar and Grille at 735 White Bear Avenue. The City of St. Paul has concurrently applied to rezone 745 White Bear Avenue from OS Office Services to B2 Community Business.
2. Section 63.310(c) states that *[e]ntrances and exits to and from all parking facilities located in land zoned other than RL -RT2 shall be at least twenty-five (25) feet from any adjoining property in RL—RT2 zoning districts.* Section 63.310(d) states that *[e]ntrances and exits to and from a parking facility shall be at least thirty (30) feet from the point of intersection of curblines of any two (2) or more intersecting streets.* The proposed entrance is 30 ft. from the intersection of Reaney and White Bear Avenue, but is only 6 ft. from the adjoining residential property. The applicant is applying for a variance to decrease the setback requirement from residential uses from 25 feet to 6 feet.

Section 63.314(a) states: *A landscaped yard at least four (4) feet wide along the public street or sidewalk. If vehicles overhang the yard, an additional three (3) feet of width shall be provided.* The second variance is to decrease the set back requirement on the east side of the lot from 7 feet to 4 feet.

3. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are

as follows:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code.*

This finding is met. The variances are in harmony with the intent of zoning code section 60.103 which defines the purpose of the code as "to lessen congestion in the public streets by providing for off-street parking of motor vehicles and for off-street loading and unloading of commercial vehicles".

- (b) *The variance is consistent with the comprehensive plan.*

This finding is met. The comprehensive plan identifies White Bear Avenue between Case and Minnehaha as a mixed-use corridor, and the 2001 White Bear Avenue Small Area Plan encourages increased off-street parking.

- (c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.*

This finding is met. When the intersection of White Bear Avenue and Minnehaha was widened in accordance with the 2001 White Bear Avenue Small Area Plan, the city retained an easement on the east 5 feet of the property. Thus, the width of the property available for parking lot use is not enough to comply with both the 25-foot driveway setback requirement from residential property and the 30-foot setback requirement from intersections. Also because of the reduced lot width, the east side setback requirement of 7 feet from Minnehaha Avenue would make it infeasible to have parking spaces, a drive/maneuvering lane and the necessary green space that all meet code requirements.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

This finding is met. The width of the lot, the result of the widening of White Bear Avenue and the subsequent easement, was not created by the new landowner, Ms. Cherry.

- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located*

This finding is met. With the concurrent rezoning of the land from OS to B2, the variance will not permit any use that is not currently allowed in the zoning district. Restaurants and bars are a permitted use in B2.

- (f) *The variance will not alter the essential character of the surrounding area.*

This finding is met. The variance will not alter the character of the surrounding area. The lot is below the grade of the residential lot to the west, and there will be a fence on top of the retaining wall between the two lots, which helps separate the parking lot from the adjacent residential use. There are commercial enterprises to the south and another parking lot across White Bear Avenue to the east. The 4 foot set-back requirement would allow for a fence to be built along White Bear Avenue which would buffer the use from White Bear Avenue.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the variances of parking lot and driveway setback standards for an 8-space parking lot at 745 White Bear Avenue subject to the condition that the parking lot is approved by the City site plan review staff.

From: Paul Dubruiel
To: xgovernmentcars@gmail.com
Date: 6/21/2011 10:50 AM
Subject: 245 Maryland Re-Establishment Nonconforming Use
Attachments: 20110621103037080.pdf

6-21-11

Re: Re-Est at 245 Maryland auto service center w/auto repair

Mr. Johnson,

Please call if you have any further questions.

Paul Dubruiel
City of Saint Paul - PED
(651) 266-6583

>>> <scanner> 6/21/2011 10:30 AM >>>
This E-mail was sent from "pe-14copier" (Aficio MP 4001).

Scan Date: 06.21.2011 10:30:36 (-0500)
Queries to: scanner



APPLICATION FOR ZONING VARIANCE

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589 - 9008

Zoning office use only

File number: 11-143927
Fee: \$ 300.00
Tentative hearing date: 6-16-11
Section(s):
City agent: AH 5/18/11

APPLICANT

Nicole

Name: Nicole Cherry Company: Cherry Pit Bar & Grill
Address: 735 White Bear Ave
City: St Paul State: MN Zip: 55106 Daytime Phone: 651-408-5752
Property interest of applicant (owner, contract purchaser, etc.): OWNER
Name of owner (if different): City of St Paul

PROPERTY

Address/Location: 745 White Bear Ave ST Paul
Legal description: (Propia. 272922440072) KUHLS 2nd addition
(attach additional sheet if necessary) E 1/2 of lot 2 and all of lot 1 & 4
Lot size: 3800 SF Present Zoning: OS Present Use: VACANT
Proposed Use: PARKING LOT

Variance[s] requested:

1. Please see attached
2.
3.

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

Please see attached

pdc
5-18-11

Attachments as required:

☒ Site Plan

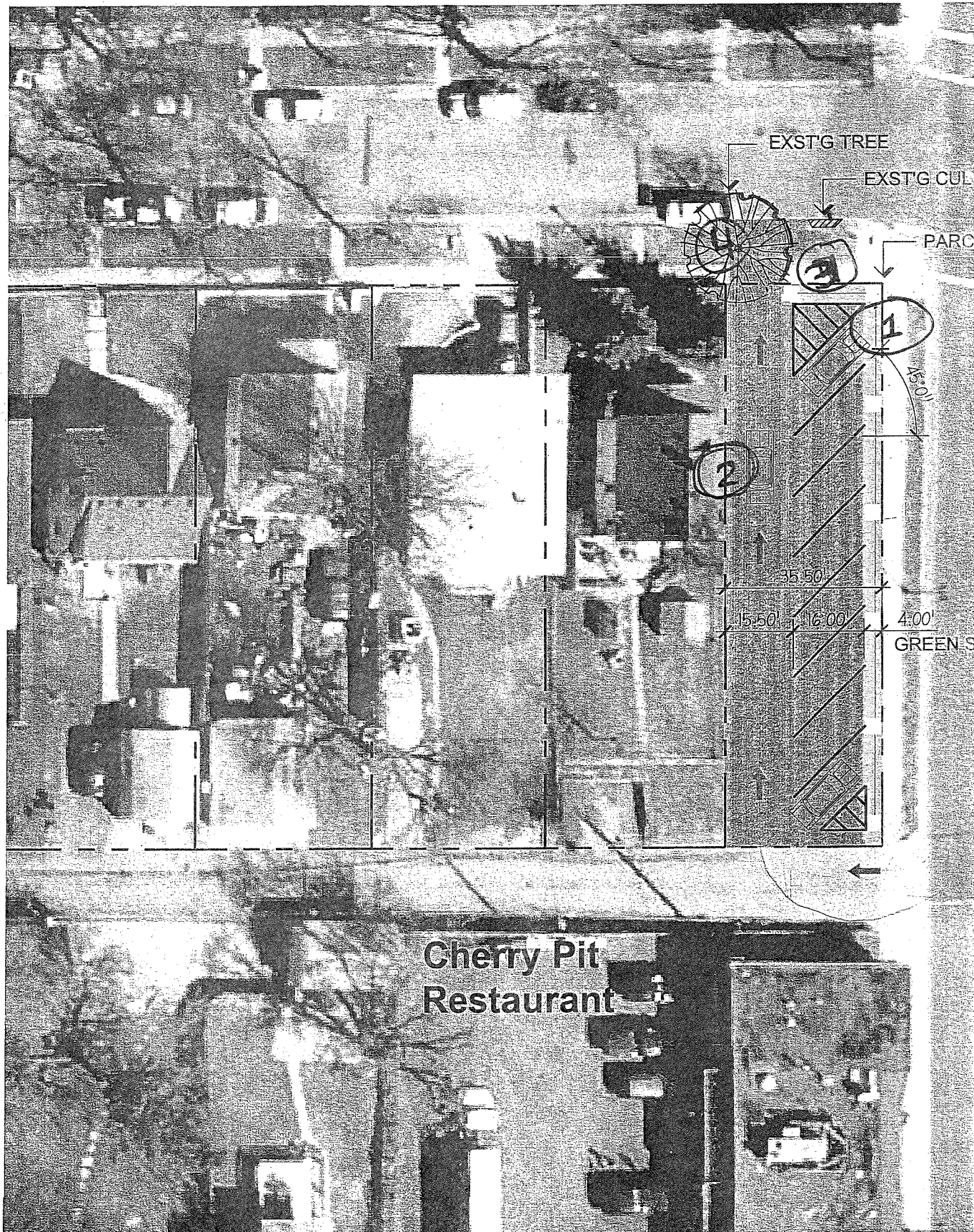
☐ Attachments

☐ Pro Forma

Applicant's signature: N Cherry

Date: 5/11/11

1. I would like to request that a variance be given for the set back requirement on the East side of the lot for 4' from the required 7' to allow for green space and ample space for parking on the lot. See #1 on attached proposed site plan.
2. I would like to request a variance for the set back on the West side of the property be changed to 0' as there is already a retaining wall that sits on the property line that runs the entire length of the property, which was installed by the city. See #2 on attached proposed site plan.
3. I would like to request a variance for the set back on the North side of the lot to be 4' to allow for green space and ample parking on the lot. See #3 on attached proposed site plan. *Not needed*
4. I would like to request a variance for the set back required to the West side of the proposed driveway onto Reaney Ave be 0' to allow for the required 30' set back for the driveway from White Bear Ave. See #4 on attached proposed site plan.



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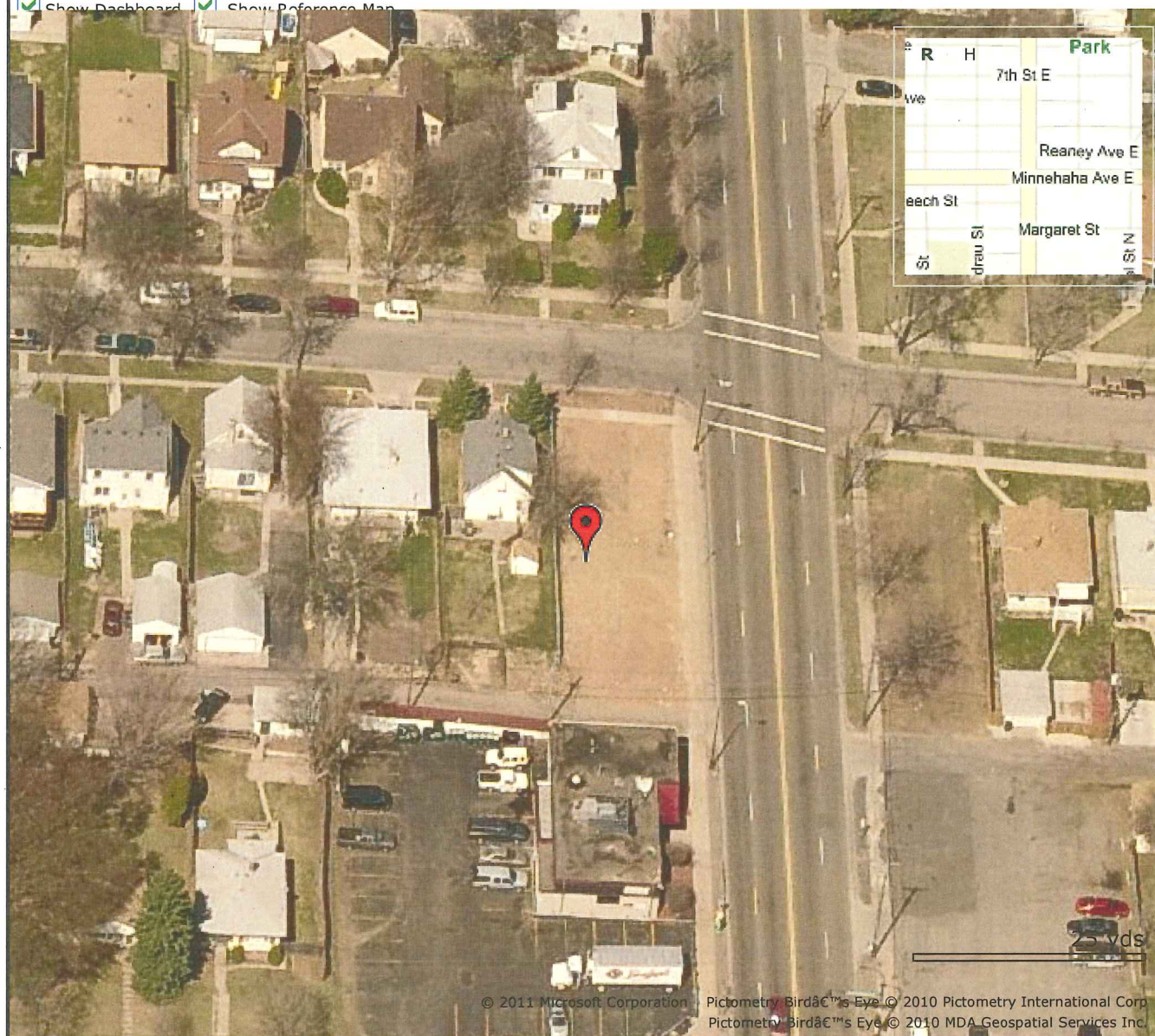
VACANT LOT - PARKING OPTION #3

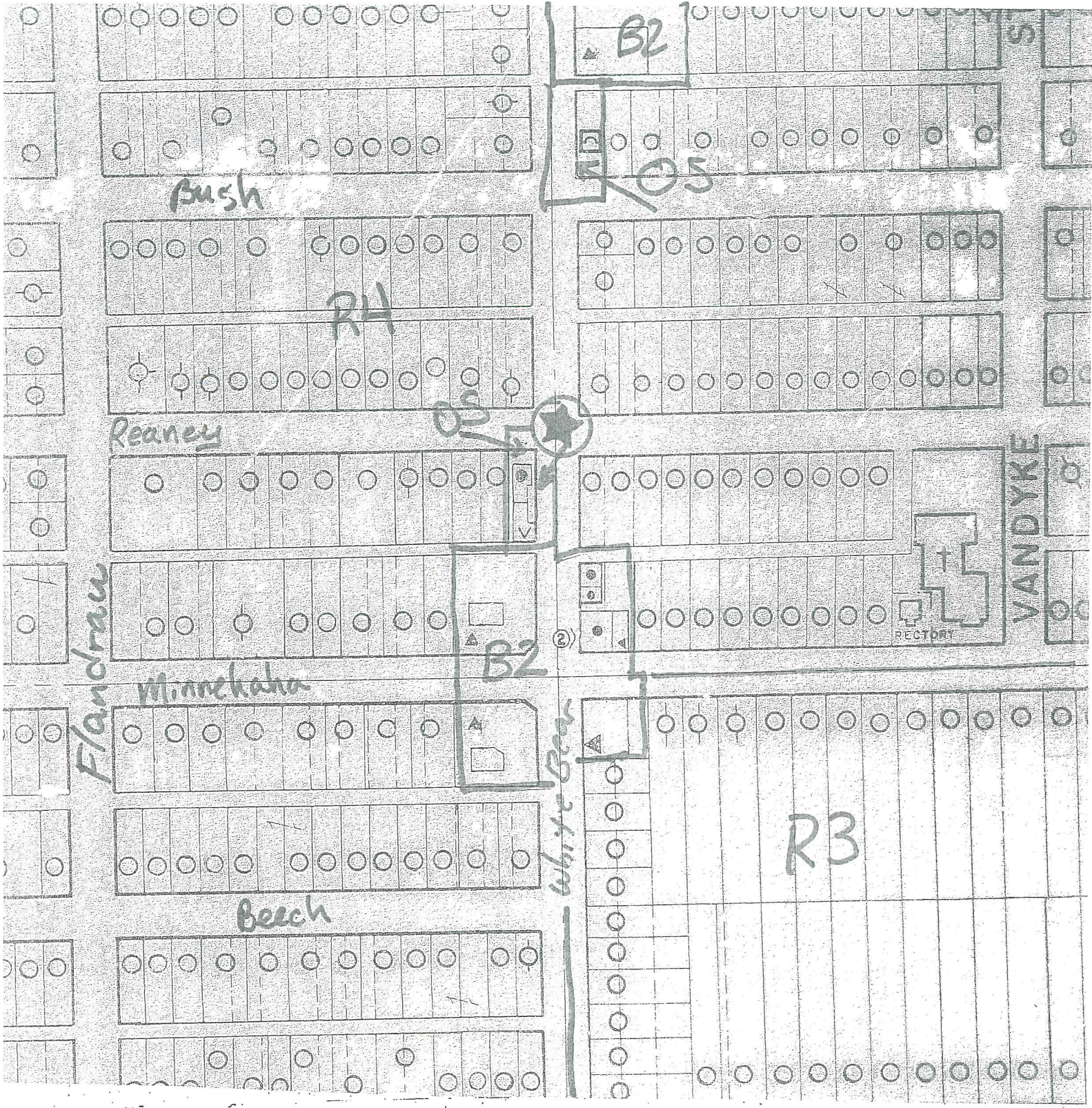
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Images courtesy of: Microsoft® Virtual Earth™ 2006

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APPLICANT Nicole Cherry
 PURPOSE PC-Variance
 FILE # 11-143927 DATE 5-19-11
 PLNG. DIST. 2 Land Use Map # 15
 Zoning Map # 12

SCALE 1" = 400'

LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant

PED
DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

north

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Allan and Bernetta Miller **FILE #** 11-235-029
 2. **APPLICANT:** Allan and Bernetta Miller **HEARING DATE:** June 30, 2011
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit-Reestablishment
 4. **LOCATION:** 998 7th St E, SE corner at Cypress
 5. **PIN & LEGAL DESCRIPTION:** 282922340023; Terrys Addition W 1/2 Of Lot 11 And All Of Lot 12 Blk 13
 6. **PLANNING DISTRICT:** 4
 7. **ZONING CODE REFERENCE:** §62.109(d) **PRESENT ZONING:** B3
 8. **STAFF REPORT DATE:** June 21, 2011 **BY:** Kate Reilly
 9. **DATE RECEIVED:** June 2, 2011 **60-DAY DEADLINE FOR ACTION:** August 1, 2011
-

- A. **PURPOSE:** Re-establishment of nonconforming use as a triplex at 998 E. 7th St.
- B. **PARCEL SIZE:** Irregular parcel, with 90 ft. of frontage on E. 7th St, and a lot area of 5250 sq. ft. Including one half the alley increases the lot area for density purposes to 6270 sq. ft.
- C. **EXISTING LAND USE:** R-Three/Four Family/Commercial
- D. **SURROUNDING LAND USE:**
 - North: Industrial
 - East: Residential
 - South: Parking
 - West: Industrial/Commercial
- E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
- F. **HISTORY/DISCUSSION:** The property at 998 E 7th was built in 1885, number of units unknown, and was assessed as a duplex starting in 1940. In 1951 it was converted to a triplex, according to county assessor records. The applicant purchased the property at 998 7th St. E in 1974 as a triplex and has maintained the property as a triplex since that date. The property was declared a vacant building in 2008 after a fire damaged two of the units and the third tenant stopped paying rent. The property was deemed a vacant building while the applicant was making repairs to the building to address the fire damage and cosmetic updates. At this time no certificate of occupancy was held because of the renovations, and the building was vacant for more than 365 days.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Council had not commented at the time this staff report was completed.
- H. **FINDINGS:**
 1. The building at 998 E. 7th St. has been owned and maintained as a triplex since 1951, a period of 60 years. Residential structures are not permitted in the B3 General Business District. The parcel also includes a commercial building addressed as 1000 E. 7th St., which is not part of this application.
 2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The structure was built as a dwelling and as such can not be used as a business without the applicant incurring significant costs.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met. Although this property is zoned B3, there

are many properties in the zone that are single and multiple-family homes, including the immediately adjacent properties.

- (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The use is consistent with the character of development in the immediate neighborhood, which is primarily single family homes and duplexes and triplexes.
- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The 1986 District Plan calls for preservation of quality rental housing.
- (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on 6/6/2011: 7 parcels eligible; 5 parcels required; 5 parcels signed.
- (6) *The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.* This finding is met. The application is complete.

3. The Planning Commission has established guidelines for applications for nonconforming use permits for triplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Triplex Conversion Guidelines state that for applications for nonconforming use permits for duplexes in residential districts, staff will recommend denial unless the following guidelines are met. In this case, this triplex is in the B3-Business district, and not in a residential district, so staff has more flexibility in making a recommendation.

- A. *Lot size of at least 6,000 square feet with a lot width or front footage of 50 feet.* This guideline is met. The lot size, including 1/2 the alley, is 6,273 square feet with a lot frontage on 7th St. E of 90 feet.
 - B. *Gross living area, after completion of triplex conversion, of at least 2,100 square feet. No unit shall be smaller than 500 square feet.* This guideline is partially met. Each unit is more than 500 square feet (Unit 1 is 567 square feet; Unit 2 is 576 square feet and Unit 3 is 525 square feet. This is a total of 2,028 square feet, which does not meet the gross living area requirement of at least 2,100 square feet. However, the minimum unit size is exceeded, and the total living area appears adequate.
 - C. *Four off-street parking spaces (non-stacked) are preferred; three spaces are the required minimum.* This finding is not met. However, there is ample on-street parking in the neighborhood. Most of the surrounding properties have garages and there is one space available at the commercial building to the east of the triplex. In this instance sufficient evidence has been provided that the use has been in existence since at least 1951 without creating congestion in the street, therefore on-street parking for the three units is adequate.
 - D. *All remodeling work for the triplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle).* This finding is met. All of the remodeling work will be done on the inside of the structure.
- I. **STAFF RECOMMENDATION:** Staff recommends approval of the Re-establishment of nonconforming use as a triplex at 998 E. 7th St subject to the condition that the applicant adhere to all applicable code requirements and receives a certificate of occupancy for a three-unit building.



NONCONFORMING USE PERMIT APPLICATION
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

Zoning Office Use Only
 File #: 11-235029
 Fee: 700⁰⁰
 Tentative Hearing Date: 6-30-11

PD=4

282922340023

APPLICANT

Name Allen and Bernetta Miller
 Address 2470 Shryer Ave. E.
 City N. St. Paul St. MN Zip 55109 Daytime Phone 612-64-5767 or 651-470-9680
 Name of Owner (if different) _____
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 998 7th St. E., St. Paul, MN 55106
 Legal Description Terry's Addition, W 1/2 of Lot 11 and all of Lot 12, Block 13 Current Zoning B3 General Business
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)
☒ Re-establishment of a nonconforming use vacant for more than one year (para. e)
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
☐ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Building has been a multi-family dwelling (triplex) since before we purchased it in the 1970s.

Proposed Use Multi-family dwelling

Attach additional sheets if necessary

Attachments as required ☒ Site Plan ☒ Consent Petition ☒ Affidavit

Applicant's Signature Bernetta Miller Date 6/2/11 City Agent Pdd 6-2-11

INFORMATION COVER SHEET

ITEM#: ZONING FILE#: 11-235029 APPLICATION TYPE: RE-EST NCU P

FOLDER NAME: Allan and Bernetta Miller

OWNER NAME AND ADDRESS: OWNER TELEPHONE NUMBER#:

Allan Miller and Bernetta Miller
2470 Shryer Ave E.
North St. Paul MN 55109

APPLICANT NAME & ADDRESS: APPLICANT TELEPHONE NUMBER#:

Allan Miller and Bernetta Miller
2470 Shryer Ave E.
North St. Paul MN 55109
(612) 664-5767

REPRESENTATIVE NAME AND ADDRESS: REPRESENTATIVE TELEPHONE NUMBER#:

OTHER INTERESTED PARTY NAME AND ADDRESS: OTHER INTERESTED PARTY TELEPHONE #:

ADDRESS OF PROPERTY AND PROPERTY LOCATION:

998 7th St. E
SE corner at Cypress

LEGAL DESCRIPTION:
see file

PIN: 282922 340023

PURPOSE:

RE-establishment of nonconforming use of a triplex
at 998 E. 7th St.

DATE RECEIVED: 6-2-11

FINAL ACTION DATE:

EARLY NOTIFICATION SEND DATE: 6-2-11

HEARING DATE: 6-30-11

LAND USE MAP: 14 Zoning MAP: 11 PRESENT ZONING:

LOT AREA TOTAL: 5250

PLANNING DISTRICT: 4

DISTRICT'S TELEPHONE #

WARD: 6

PLANNER:

PLANNERS TELEPHONE #:

Patricia James

266-6639

NOTES:

HISTORY

2470 Shryer Ave. E.
N. St. Paul, MN 55109
June 1, 2011

St. Paul Planning Commission
c/o Zoning Section
1400 City Hall Annex
25 West Fourth St.
St. Paul, MN 55102

Subject: Application to Reestablish a Nonconforming Use
998 Seventh Street East, St. Paul, MN 55106

Attached is our application to reestablish the nonconforming use of 998 Seventh Street East as a tri-plex in a B3 general business zone. Included in this letter is information for the findings that the Planning Commission must make.

The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use:

The building at 998 Seventh Street East contains three one-bedroom apartments, and it was used as a tri-plex previous to when we purchased it on November 29, 1974. (See Exhibit A, pages 1-4.) We continued to use the building as a tri-plex during the more than 30 years that we have owned the building. Thus, the proposed use of the building is the same as its previous nonconforming use.

The structure, or the structure and land in combination, cannot reasonably or economically be used for a conforming purpose:

We need to provide some background information to indicate how this requirement is met.

On the same parcel of land where the tri-plex is located, we also own a commercial building at 1000 Seventh Street East that has been continually occupied by our businesses through the years. Only a few feet of space separate the two buildings.

A few years ago, a tenant caused a fire in the tri-plex, which resulted in only one of the apartments retaining its certificate of occupancy. After several months, we had to ask the remaining tenant to move because she was in arrears on her rent. We then realized that the remaining apartment needed cosmetic updates. While we were in the process of repairing the fire damage and doing cosmetic updates, the tri-plex was categorized as a vacant building by the City of St. Paul.

We appeared before the St. Paul City Council in 2008 and informed them that we were fixing up the tri-plex so the apartments could be rented again but that we were using the basement of the tri-plex to store tools and supplies for our construction business that was located in the commercial building on the same parcel and that the tri-plex was not vacant. Kathy Lantry, the president of the City Council, told us at the meeting that our use of the tri-plex for our construction business would require a zoning change and that they would have an inspector look into the issue.

The only response we received from the City of St. Paul was a notification that the tri-plex was determined to be a vacant building and that the vacant building fee was being assessed to our real estate taxes. We interpreted this to mean that the City of St. Paul would only permit the building at 998 Seventh St. E. to be used as a tri-plex.

We then tapped out all of our financial resources to complete the tri-plex, so we could lease the apartments and avoid the annual vacant building fees. We installed new appliances, including dishwashers, stoves and refrigerators for the three apartments and a new washer and dryer for the building. We installed new kitchen cabinets and countertops in two of the apartments and new air conditioning units in all three units. We remodeled two of the bathrooms.

In June or July 2010, we had an electrical contractor do some work on the tri-plex, but he was unable to pull the permit to have his company's work inspected. We were told that the City of St. Paul required us to first obtain a team inspection by a variety of city inspectors of the entire tri-plex before any permits would be issued. The team inspection of our tri-plex took place on July 29, 2010, and the team inspection report was issued on August 2, 2010. For the next several months, we worked to complete the items on the gig sheet.

A heating contractor completed work on the heating system in mid-January 2011. Allan was at the tri-plex with the heating contractor when a City of St. Paul inspector inspected the work. Yet, we recently learned that somehow the City of St. Paul shows no record of this permit being pulled.

On April 13, 2011, a plumbing contractor that we hired tried to pull a permit but was told no permits could be issued until April 22, 2011. On April 14, 2011, Allan called the inspection department to find out the reason for the hold-up and was told that the current vacant building fee was submitted to be assessed to our real estate taxes and while the assessment was pending, no permits could be pulled during a 30-day period ending on April 22, 2011.

Also on April 14, 2011, the City of St. Paul for the first time informed Allan that because the tri-plex had been vacant for more than a year, it had lost its nonconforming use status and that no building permits would be issued until we received a nonconforming use permit. Allan saved a voice mail message he received from Reed Soley, 651-266-9120, from the City of St. Paul, saying that someone slipped up and that we should have been told about the loss of nonconforming use status in the August 2, 2010 team inspection letter.

We reasonably and detrimentally relied on the City Council's decision that we could only use the building as a tri-plex and on the August 2, 2010 team inspection letter to spend thousands of dollars that we will lose if the nonconforming use of the tri-plex is not reestablished. We were relying on being able to get the final permits pulled so that we could complete the finishing touches on the building and receive the certificate of occupancy to allow us to begin leasing the apartments by the end of May 2011. To deny our nonconforming use permit application would be very unfair and prejudicial because there was no warning from the City of St. Paul on the nonconforming use issue in the various letters and notices issued on the vacancy status of the tri-plex after it was labeled a Category 2 vacant multi-family residential building in 2007. There is not even a mention of the possibility of a vacant building losing its nonconforming use status in the vacant building ordinances, that we had previously read. The provision is in the zoning ordinances, which we never thought we had reason to read. This constitutes inadequate notice to vacant building owners such as ourselves.

For the foregoing reasons, the structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. We have sunk all of our money into the building and cannot afford to convert it to any other use. We need to be able to rent out all three apartments.

The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety or general welfare:

The tri-plex is located in a B3 General Business zone, but the uses of many of the surrounding properties within 100 feet of our parcel do not fit this zoning. A gas station/convenience store at 976 Seventh Street East is across the street from the tri-plex. Vacant land formerly owned by 3M and now being redeveloped by the St. Paul Port Authority is at 1003 Bush Avenue south of the tri-plex and at 999 Seventh Street East across the street to the north of the tri-plex. Single family dwellings are located at 1008 Seventh Street East next door to the east of our property and at 1018 Ross Avenue three parcels east of our property. A duplex is located at 1012 Ross Avenue, two parcels east of our property. Except for the former 3M parking lot at 1003 Bush Avenue, the parcels of land for many blocks to the south and on either side of the tri-plex are zoned as RT1 two-family properties.

Therefore, use of our property at 998 Seventh Street East as a tri-plex is consistent with the existing character of the neighborhood and does not endanger the public health, safety or general welfare.

The use is consistent with the comprehensive plan:

Although use as a tri-plex is a nonconforming use, it is apparently not inconsistent with the comprehensive plan, because the City of St. Paul permitted a four-plex to be built in 2004 at 1024 Ross Avenue, just four parcels to the east of the tri-plex in the B3 general business zone.

Inadequate on-site parking is compensated for by plentiful on-street parking:

Through the many years that we have owned the tri-plex, very few of our tenants have owned vehicles because we warn them that they will likely need to park on the street. Tenants rent apartments in our tri-plex because they do not own cars and the tri-plex is just two blocks from the bus line.

There is on-site parking for one car off the alley behind our commercial building at 1000 Seventh Street East. There is on-street parking for one car directly west of the tri-plex on Cypress Street. In addition, there is plentiful on-street parking just south of the tri-plex on Cypress Street and on Bush Avenue to the west and to the south of the large former 3M parking lot at 1003 Bush Avenue. Anyone redeveloping the former 3M parking lot with a structure will be required to provide adequate on-site parking to service the redevelopment project and will not need the on-street parking adjacent to the parking lot.

In addition, the St. Paul Port Authority is redeveloping the land to the north of the tri-plex into some type of business use. The tri-plex will provide housing for employees of these businesses and will also provide affordable housing to help meet the ever-increasing demand for rental units in the current economic climate with people losing their homes to foreclosure.

Furthermore, federal, state and local government agencies strive to get people to use mass transit and to forgo owning cars. It seems odd that the City of St. Paul zoning and planning commission would choose to enforce on-site parking requirements that encourage people to own cars rather than to use mass transit, particularly in the circumstances of our long-existing tri-plex.

A notarized petition of two-thirds of the property owners within 100 feet of the property has been obtained stating support for the use:

Paul Debruiel from the City of St. Paul identified seven properties located within 100 feet of the tri-plex. Attached are the consent signatures of the owners of five of the properties, which is sufficient to meet the two-thirds requirement. Also attached is the related Affidavit of Petitioner.

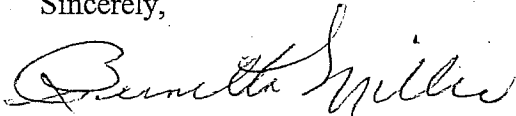
The other two properties are owned by the St. Paul Port Authority. To date, our request to the St. Paul Port Authority has not been refused, but we have not been able to obtain an indication from anyone associated with that entity who is willing to commit one way or another on the nonconforming use issue.

Other information in support of our application:

Also attached in support of our application are: 1) Summary Information and Pro Forma Information sheets for tri-plex conversion cases; 2) a site plan of our tri-plex and commercial building; 3) a map of the neighborhood in which the tri-plex is located; 4) floor plans of the tri-plex; and 5) pictures of the exterior and interior of the tri-plex.

We appreciate your thoughtful and considerate review of our application. We really need to receive speedy approval of our application because necessary progress on the tri-plex is at a standstill until permits can be pulled and because we will suffer a drastic economic hardship if the nonconforming use permit is not issued to allow us to once again lease all three apartments in the tri-plex.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bernetta Miller".

Bernetta Miller

Attachments

LAW OFFICE

BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION

2200 FIRST NATIONAL BANK BUILDING

SAINT PAUL, MINNESOTA 55101

291-1215

AREA CODE 612

CHARLES W. BRIGGS
J. NEIL MORTON
RICHARD E. KYLE
SAMUEL H. MORGAN
FRANK N. GRAHAM
COLE OEHLE
A. LAURENCE DAVIS
FRANK HAMMOND
LEONARD J. KEYES
B. C. HART
JOHN M. SULLIVAN
BERNARD P. FRIEL
BURT E. SWANSON
M. J. GALVIN, JR.
DAVID G. FORSBERG
JOHN J. McNEELY
McNEIL V. SEYMOUR, JR.
EDWARD C. STRINGER
TERENCE N. DOYLE
RICHARD H. KYLE
JONATHAN H. MORGAN
JOHN L. DEVNEY
R. L. SORENSON

PETER H. SEED
PHILIP L. BRUNER
SAMUEL L. HANSON
RONALD E. ORCHARD
JOHN R. KENEFICE
JOHN R. FRIEDMAN
JAMES W. BOWERS
ANDRE J. ZDRAZIL
DAVID J. SPENCER
DOUGLAS L. SKOR
DANIEL J. COLE, JR.
MICHAEL H. JERONIMUS
BRUCE C. ECKHOLM
DOUGLAS R. HADDOCK
RICHARD D. HOLPER
EDWIN P. LEE
GERALD L. SVOBODA
MARVIN T. FAYANSKE
THADDEUS S. FIGUS
DAVID L. MITCHELL
BONNIE L. BEREZOVSKY
STEVE A. BRAND
MARK W. WESTRA
LAUREL A. MARCH

COUNSEL
ROBERT O. SULLIVAN
HAROLD J. KINNEY

December 2, 1974

Mr. and Mrs. Allan L. Miller
1242 Hazelwood Avenue
St. Paul, Minnesota 55106

Re: Purchase of 998 East Seventh, Street

Dear Mr. and Mrs. Miller:

This will summarize closing of the above matter which occurred in our office on November 29, 1974.

The seller delivered the following documents:

1. Affidavit pertaining to mechanics liens, etc.
2. Copies of the Note and Mortgage.
3. Letter from the bank consenting to this sale.
4. Copies of a divorce decree and two Quitclaim Deeds disposing of the interest of Clayton R. Whyte and Marguerite E. Whyte, which instruments are being recorded in Ramsey County.
5. Bill of Sale.

Copies of the above instruments are enclosed herewith for your information.

Mr. Donald Stecher of the bank verified that the aforementioned letter consenting to the sale was sent on behalf of the bank, of which he is vice president. He also confirmed that the last half of the 1974 taxes had been paid by the bank prior to November 1 and that the present monthly escrow for taxes is \$60.00.

Our office conducted a search for unpaid water bills and we were informed that the most recent billing in September had been paid and that the meter was scheduled for reading this month. Any charges will be the responsibility of the seller.

Exhibit A - pg. 1

Page Two
Mr. and Mrs. Miller
December 2, 1974

Our office also conducted a pending special assessment search. We were advised that the alley resurfacing assessment is for work yet to be completed and the estimated cost for this property is \$4.57 per frontage foot. We were also advised that a new sidewalk has been recently installed and that the assessment against this property is \$198.56. Inasmuch as this pending assessment was not disclosed in the Earnest Money Contract and the seller claimed that he had no knowledge of this new sidewalk, it was agreed between you and the seller that in the event this sidewalk assessment was levied on or prior to October 14, 1974, the seller will be responsible for payment in full, and that in the event the assessment was not levied on or prior to October 14, 1974 the amount of the assessment would be equally divided between the seller and you.

The seller also delivered various documents containing information and agreements with the tenants, together with copies of letters to the tenants dated November 30, 1974 advising them of the sale of the property. Seller also delivered a check in the amount of \$275.00 representing the rent collected for one of the units for December and deposits pertaining to two of the units. You were advised that, as the letter to one of the tenants Lyle Reule states, there is presently no deposit with respect to his unit and therefore in addition to the December rental payment he owes a \$75.00 deposit.

It is my suggestion that you contact each of these tenants personally at your earliest convenience so that there will be no misunderstanding on their part as to who is entitled to the rent and what the present status of their rental payments are.

You and seller executed the contract for deed and you retained a signed copy of the same. You delivered your check to the seller for the balance due at closing in the amount of \$1,700.00. You also delivered evidence of insurance which you have procured for the property.

The contract for deed may be recorded with the Register of Deeds in Ramsey County if you so desire. It would then be a public record of your ownership and would put all other parties on notice. However, the drawback to recording the contract is that recording fees and mortgage registration costs must be paid, which in this instance would total roughly \$35.00, and also you would be

Exh. A - pg 2

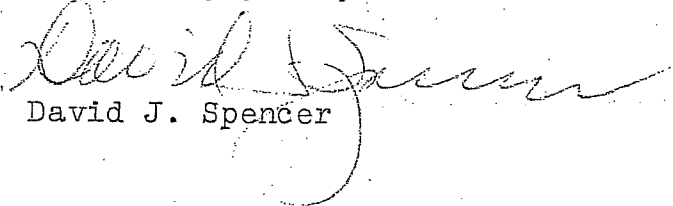
BRIGGS AND MORGAN

Page Three
Mr. and Mrs. Miller
December 22, 1974

disclosing the total purchase price of the property, which may or may not have an adverse affect on future real estate taxes. Therefore, I will not proceed to record the contract unless you request me to do so.

If you have any questions concerning any aspect of this matter, please don't hesitate to call me.

Very truly yours,



David J. Spencer

DJS:df

Enclosures

Exh. A - pg. 3

Know All Men by these Presents, That 1, the undersigned, of the CITY
of ST. PAUL in the County of RAMSEY State of Minnesota, as
vendor, in consideration of the sum of ONE DOLLAR & OTHER CONSIDERATION
Dollars to ME in hand paid, and the receipt of which is hereby acknowledged, have sold and
transferred, and hereby do sell and transfer, to ALLAN L. MILLER AND BERNETTA
C. MILLER of the CITY of ST. PAUL
in the County of RAMSEY State of Minnesota, as vendee S, the personal property
described as follows, to wit:

3 KITCHEN STOVES &

3 KITCHEN REFRIGERATORS LOCATED AT 998 E 7TH ST
ST. PAUL, MINNESOTA

and do hereby agree and covenant with said vendee S as follows, to wit: to deliver to THEM
the possession thereof IMMEDIATELY

that 1 have good title thereto and good right to sell and transfer the same; that 1
will defend and hold the vendee S harmless from all claims and demands of third parties
thereof and the vendee S, their heirs, legal representatives and assigns against all
lawful claims.

IN WITNESS WHEREOF, 1 have hereunto set MY hand and seal
this 30TH day of NOVEMBER 1971

Signed, Sealed and Delivered in Presence of

[Signature] SEAL

SEAL
SEAL



EXISTING FUEL BURNING EQUIPMENT SAFETY TEST REPORT

(Use separate form for each Appliance)

Department of Safety & Inspections
Fire Prevention Division
375 Jackson Street – Suite 220
Saint Paul MN 55101
Fax: 651-266-8951

Address: 998 E 7th St Date: 1/4/11

Owner: Allen & Bernice Miller

Type of Heat:

Gravity Air ☐ Forced Air ☐ Gravity Hot Water ☐ Forced Hot Water ☒
Steam ☐ Unit Heater ☐ Space Heater ☐ Other ☐

Type of Fuel: Gas ☒ Oil ☐ Other ☐

Gas Design

Make of Burner Hydro Therm
Model N/A
Serial N/A
Input 105000 BTU

Conversion

Make ☐
Model ☐
Max. BTU Rating ☐
Make of Furnace ☐

Equipment venting type: Atmospheric ☒ Induced Fan ☐ Other ☐

Total BTU input of all vented gas appliances per chimney: ☐

Type of Chimney: Masonry ☐ Class B ☒ Other ☐

Type of Liner: None ☐ Metal ☒ Clay Tile ☐

Combustible Air Supply Required?: Yes ☒ No ☐ Installed?: Yes ☒ No ☐

Safety & Operating Control Tests:

| | Yes | No |
|--|-------------------------------------|--------------------------|
| Pilot/Flame Safeguard Operating Properly | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Limit(s) Operating Properly | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Operator(s) Operating Properly | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Low Water Cut-Off Operating Properly | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| All Controls Operating Properly | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Fuel Analysis/Flue Gas Analysis:

| | Yes | No |
|-------------------------------------|-------------------------------------|--------------------------|
| Vents Properly without Spillage | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Flame Stays Inside/Doesn't Roll Out | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Burner Lights Smoothly | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | Initial | Final | Visual Inspection | Yes | No |
|-------------------|-------------------|-------------------|---|-------------------------------------|--------------------------|
| Stack Temperature | <u>364</u> F/Net | <u>364</u> F/Net | Fuel Piping System – Okay | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Oxygen | <u>11.1</u> % | <u>11.1</u> % | Vent Systems—Draffhood, Connector, Vent Chimney-- Okay | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Carbon Dioxide | <u>4.6</u> % | <u>4.6</u> % | | | |
| Carbon Monoxide | <u>19</u> % / ppm | <u>19</u> % / ppm | Heating Unit – Okay | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Carbon Monoxide Detector (tube type) Positive ☐ Negative ☒

Look At Total Heating System Before You Leave:

Does system operate safely and properly? Yes ☒ No ☐

COMMENTS:

Name of Licensed Contractor: Binder Heating Address 222 Hardman Ave Phone # 651 457-8781

Person Doing Test (Print) Jason Brisson (signature) [Signature]

Certificate of Competency Number from City of Saint Paul for Appropriate Fuel: 20050000262

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 6-2-11

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED: 6-6-11

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 7

PARCELS ELIGIBLE: _____

PARCELS REQUIRED: 5

PARCELS REQUIRED: _____

PARCELS SIGNED: 5

PARCELS SIGNED: _____

CHECKED BY: Paul Dabrare

DATE: 6-6-11

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Bennetta Miller, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Bennetta Miller
NAME

Bennetta Miller

2470 Shryer Ave. E.

ADDRESS

N. St. Paul, MN 55109

651-770-6102 (evening)

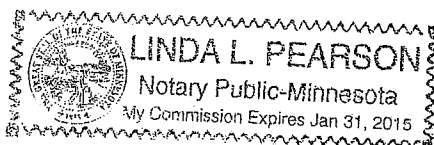
TELEPHONE NUMBER

612-664-5767 (work)

Subscribed and sworn to before me this

2nd day of June, 2011

Linda L. Pearson
NOTARY PUBLIC



CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Allen and Bernetta Miller,
(name of applicant)

to establish a ^{re-}multi-family dwelling,
(proposed use)

located at 998 7th St. E., St. Paul, MN 55106,
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

| ADDRESS OR PIN | RECORD OWNER | SIGNATURE | DATE |
|---------------------|-----------------|-----------------|---------|
| 1008 E 7th St | Ramon Salas | Ramon Salas | 4/20/11 |
| 1018 Ross ave | Betty Minor | Betty Minor | 4-20-11 |
| 998/1000 7th St. E. | Bernetta Miller | Bernetta Miller | 4/22/11 |
| | | | |
| | | | |
| | | | |
| | | | |
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| | | | |
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| | | | |
| | | | |
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| | | | |
| | | | |

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

9/08

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

[illegible]

9/08

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

located at 998 TH S.E. St. Paul, MN 55106
(address of property)

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

[illegible]

9/08





SCALE: 1" = 30'

E. SEVENTH STREET

DR. HOLE

LOT 12

LOT 11

DR. HOLE ALLEY

LOT 1
BLOCK 18

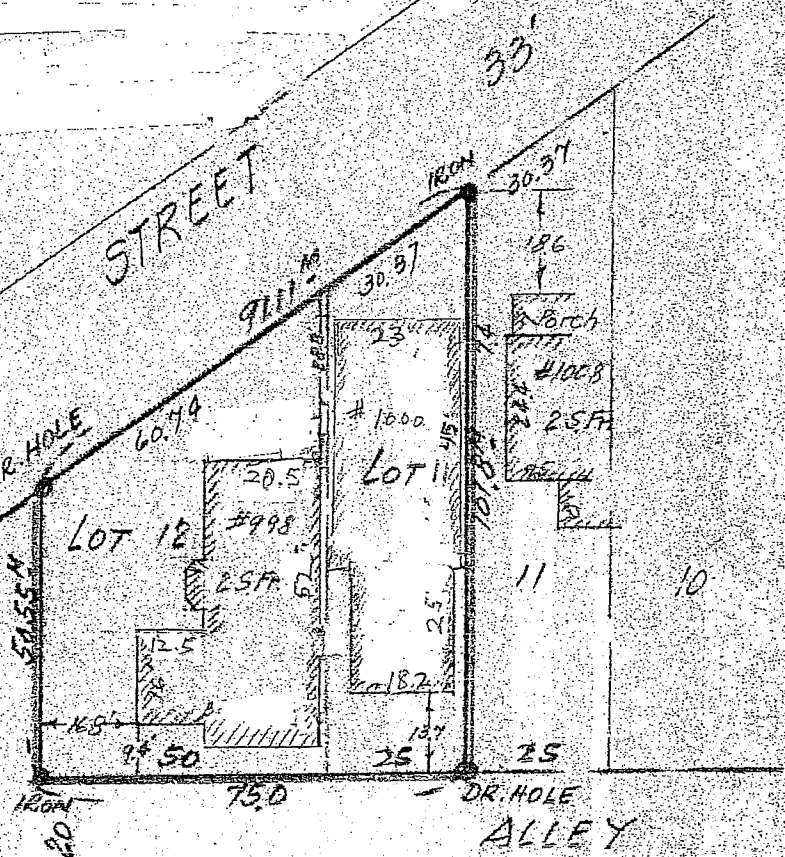
The West half (W $\frac{1}{2}$) of Lot 11, all of Lot 12, Block 13, Terry's Addition, City of St. Paul, Ramsey County, Minnesota and of the location of all buildings, thereon, and all visible encroachments, if any, from or on said land.

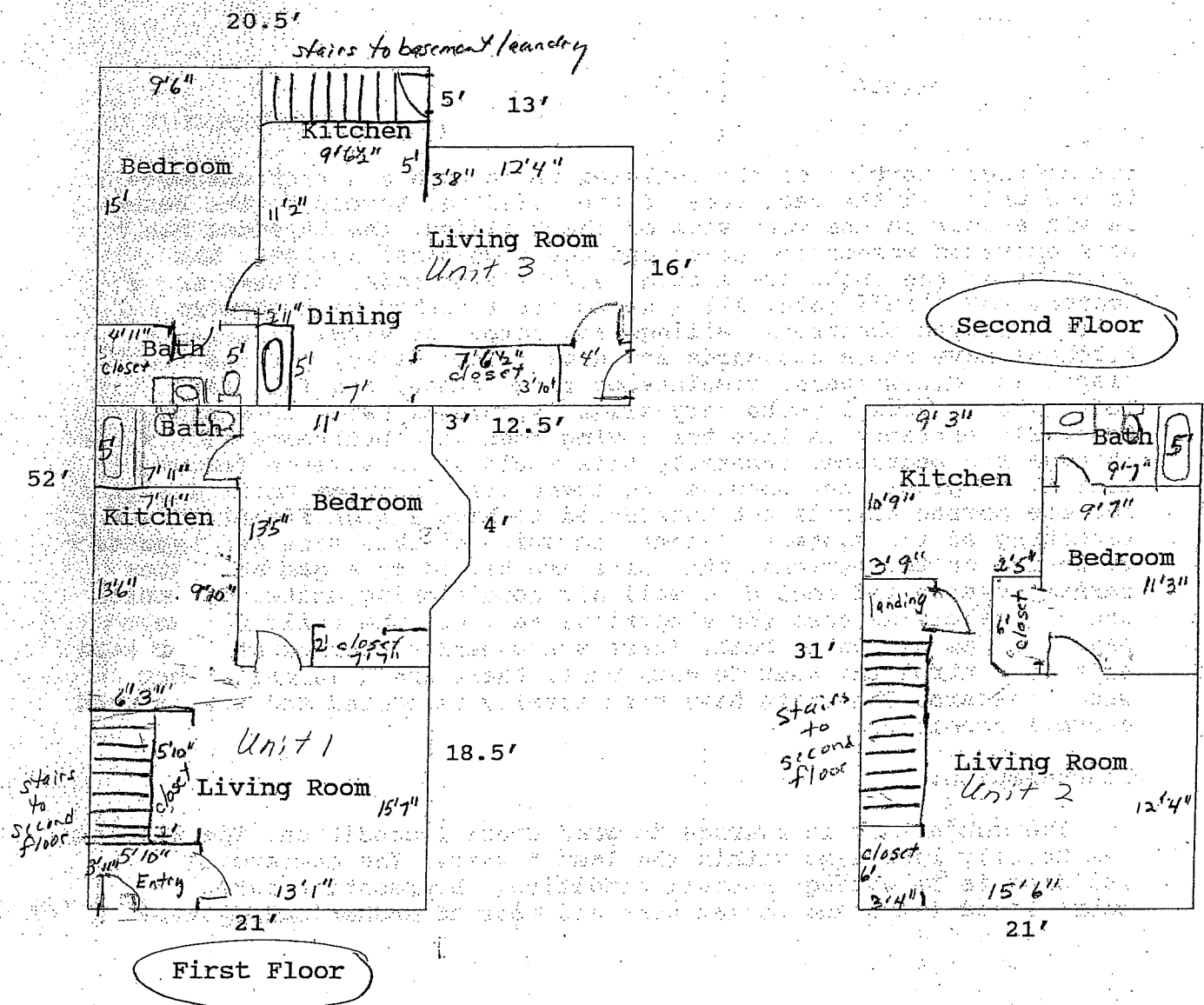
CYPRESS

13 14
3M PARKING LOT

St. Paul, Ramsey County, Minn.

Gran Mon.





7th Street

7th Street

Floor Plans

998 7th St E.

**SUMMARY INFORMATION SHEET
FOR DUPLEX AND TRIPLEX COVERSION CASES**

| Housing unit breakdown: | Existing | Proposed |
|--|----------|----------|
| Number of units | 3 | 3 |
| Number of bedrooms in each unit | | |
| Unit 1 | 1 | 1 |
| Unit 2 | 1 | 1 |
| Unit 3 | 1 | 1 |
| Size of each unit in square feet | | |
| Unit 1 | 567 | 567 |
| Unit 2 | 576 | 576 |
| Unit 3 | 525 | 525 |
| Debt: | | |
| Initial ^{mortgage} principal amount on 998 T ^{VA} & F. | 95,000 | — |
| Initial interest rate | 8% | 8% |
| Term of mortgage/debt financing | 15 years | 15 years |
| Time remaining on note | 7 years | 7 years |
| Balance on existing debt* | 51,149 | 51,149 |
| * also incurred other debt to finish this project | | |
| Rehabilitation | | |
| Type of Improvements: | | |
| Almost all improvements have | | |
| already been done, | | |
| with only finishing | | |
| touches and final | | |
| inspections remaining. | | |
| | | |
| | | |
| | | |

**PRO FORMA INFORMATION SHEET
FOR DUPLEX AND TRIPLEX CONVERSION CASES
Continuation of Extra Units**

| Required information | With Continuation of Extra Units in Structure | With Conversion of Structure to Legal Number of Units <i>unknown, so did not complete</i> |
|--|---|--|
| <u>Income</u> | | |
| Total monthly rent income for all units | \$ 1,875 | |
| Monthly income from structure other than rent | 25 | |
| Existing vacancy (if any) | triplex currently vacant | |
| Effective gross income (EGI) / month ¹ when <i>all three units rented</i> | \$ 22,800 | \$ - |
| Effective Gross Income / year | \$ 22,800 | \$ - |
| <u>Operating Expenses (Annual)</u> ² | \$ - | \$ - |
| Maintenance | 800 | |
| Insurance | 1,200 | |
| Utilities (only include amount paid by landlord) | 2,400 | |
| Other (identify) | - | |
| Taxes | 4,715 | |
| <u>Net Operating Income (Annual)</u> ³ | \$ 9,115 | \$ - |
| Monthly debt / mortgage payment | 625 | |
| <u>Annual debt payment</u> | \$ 7,500 | \$ - |
| <u>Rehab projects</u> | | |
| Total cost of Improvements | | |
| Monthly rehab debt payment <i>already incurred</i> | 500 | |
| <u>Annual rehab debt payment</u> | \$ 6,000 | \$ - |
| <u>Cash Flow: profit, (loss)</u> ⁴ | \$ 185 | \$ - |

NOTE: 1. Effective Gross Income = (Total rent income) - (Vacancy, if there is any)

2. Operating expenses are the sum of the next five lines, incl maintenance, insurance, utilities, taxes and others

3. Net Operating Income = (Effective Gross Income) - (Operating Expenses)

4. Cash Flow = (Net Operating Income) - (Annual debt payment)

ZONING WORKSHEET

ADDRESS: 998 1000 E 7th - Custom Auto Inc.

PIN: 282922340023

BUILDING CARD INFORMATION:

CONSTRUCTION DATE: 1985 PERMIT: _____ TYPE OF STRUCTURE: SFD

PERMITS _____ COUNTY ASSESSOR'S RECORDS _____ LICENSE RECORDS _____ CITY DIRECTORY _____

215456
4-24-50

1948 - duplex
1949 - duplex
1951 - 3 family
add to duplex found size 16x12x6

12.1.77 plans to build autoparts store & will split dwlg
from store, record with Ramsey County

46629 - 2.24.78 New com'l. 2 stories 23'4" x 45'4" x 20

1980 - 2nd fl. com'l bldg used as storage for 1st fl. tenant

141916 8.16.1982 - owner remodeling duplex - 2nd floor stripped to studs
1986 - owner has added full basement to dwl. entire dwl. gutted, rehabbed.
1998 - major fire damage, only 1 unit rentable - com'l the same
2002 - duplex totally repaired - com'l bldg still there.

2005 - same

LEGAL DESCRIPTION: Terry's Add W 1/2 of Lot 11 & all of Lot 12 B/k 13

LOT SIZE: 57.484

CROSS STREETS: _____

| ZONE | USE (C/NC) | UNITS PERMITTED | REQUIRED LOT SIZE | LOT SIZE (C/NC) |
|------|---------------|--------------------|----------------------|--------------------|
| X | C | | | C |
| 1922 | | | | |
| 1960 | | | | |
| 1964 | | | | |
| 1975 | | | | |
| B3 | NC | ROOMS: UNITS: | | OK |

ZONING STATUS FOR com'l auto COMMERCIAL USE:

PLANNING:

RESIDENTIAL USE:

ZONING FILE

LEGAL - CONFORMING

NO RECORD

LEGAL - CONFORMING USE WITH NON-CONFORMING LOT SIZE
(for residential)

LEGAL - NON-CONFORMING USE

ILLEGAL

Zach
2011

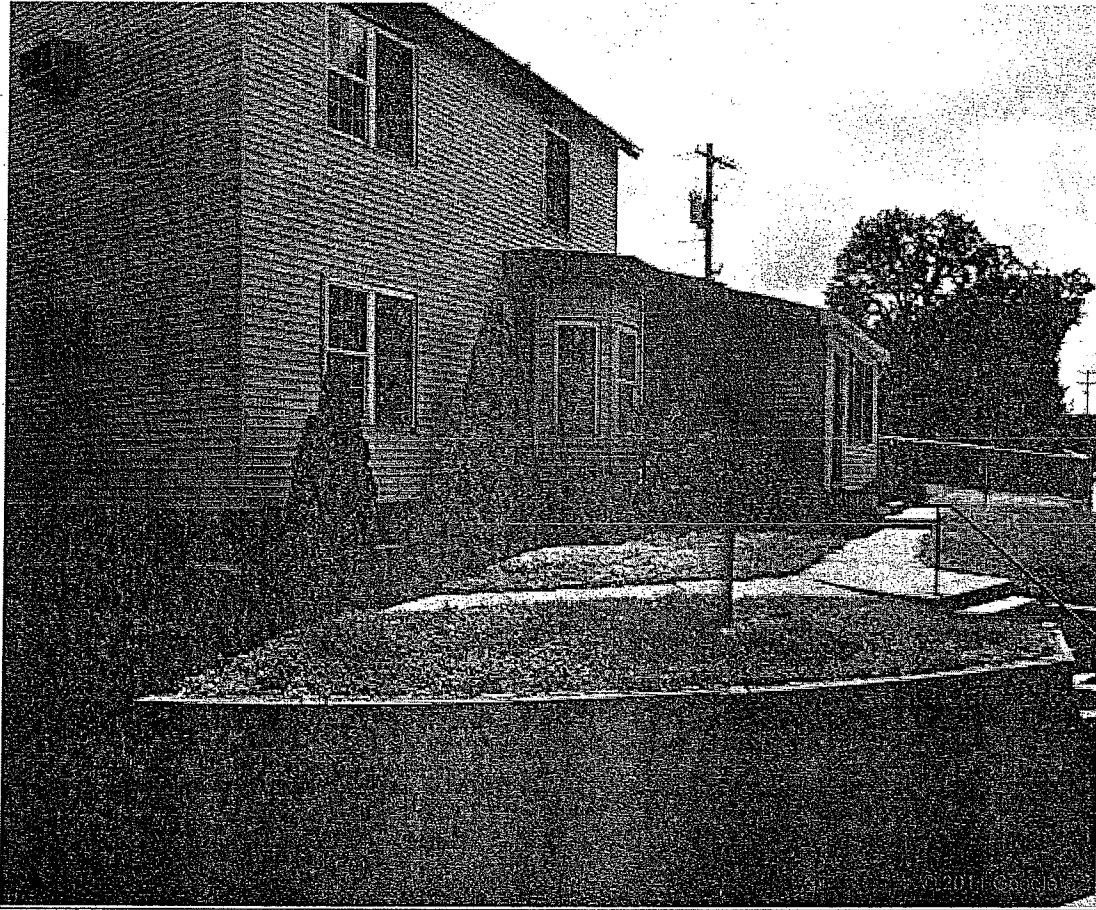
Google maps

Address 999 7th Street East

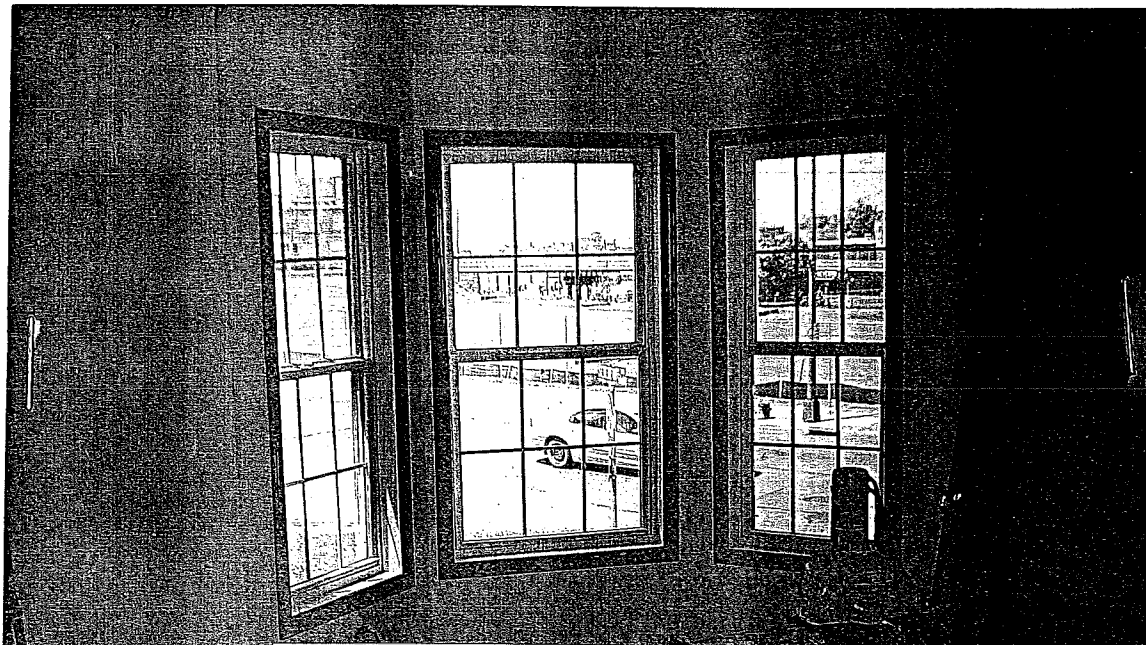
Address is approximate

Save trees. Go green!

Download Google Maps on your phone at google.com/gmm

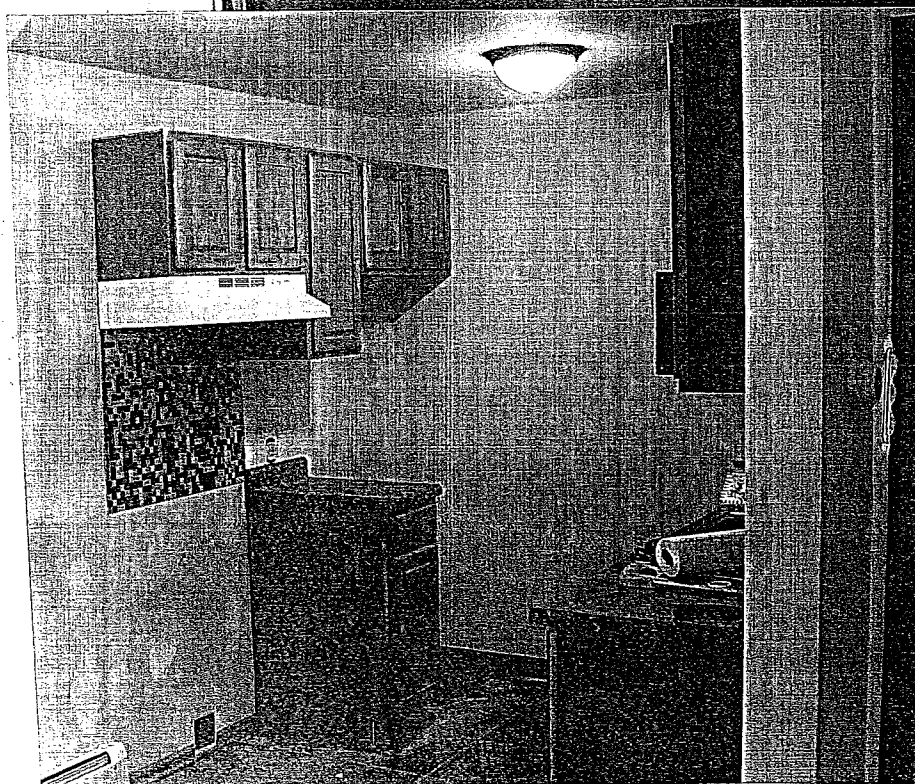


Tri-plex - 998 7th St. E

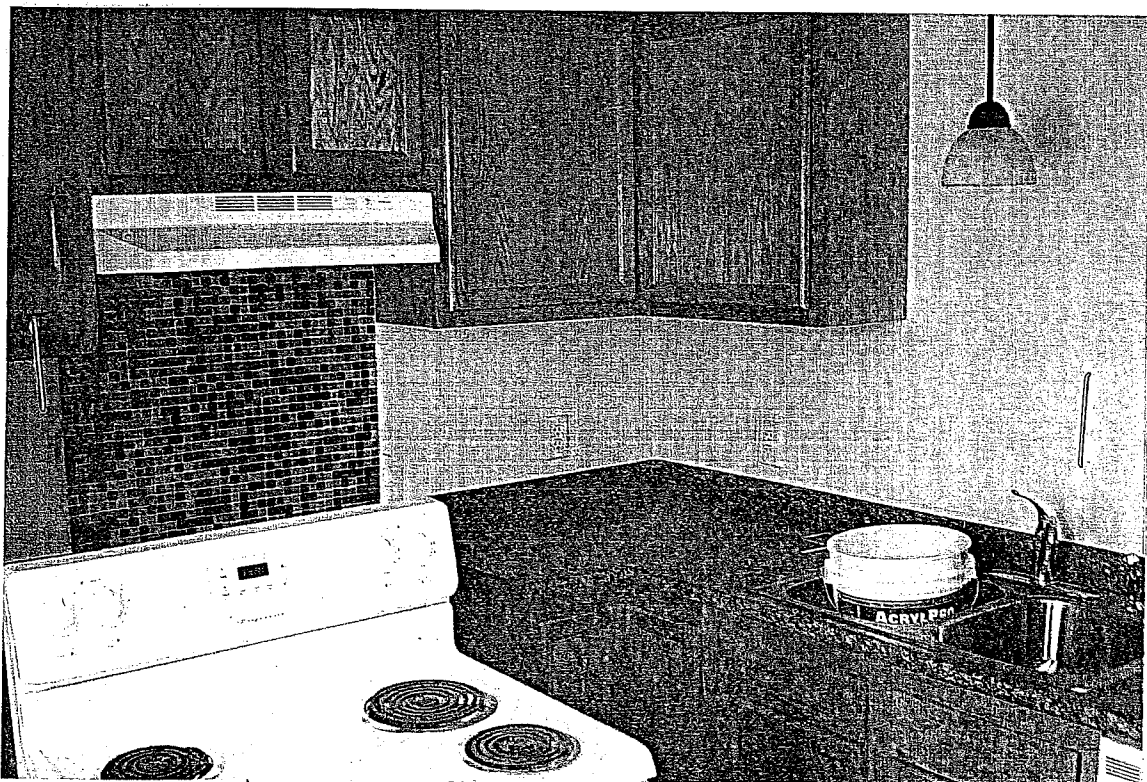


Unit 1 -
bedroom

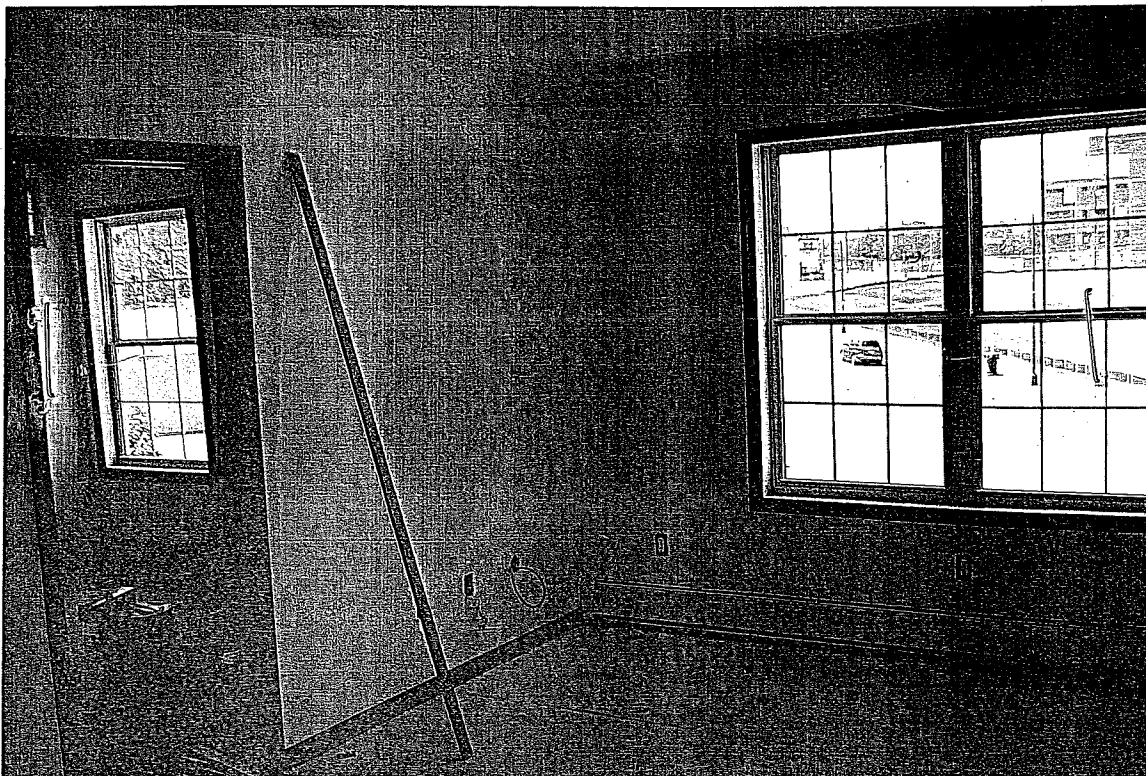
Unit 1 -
bathroom



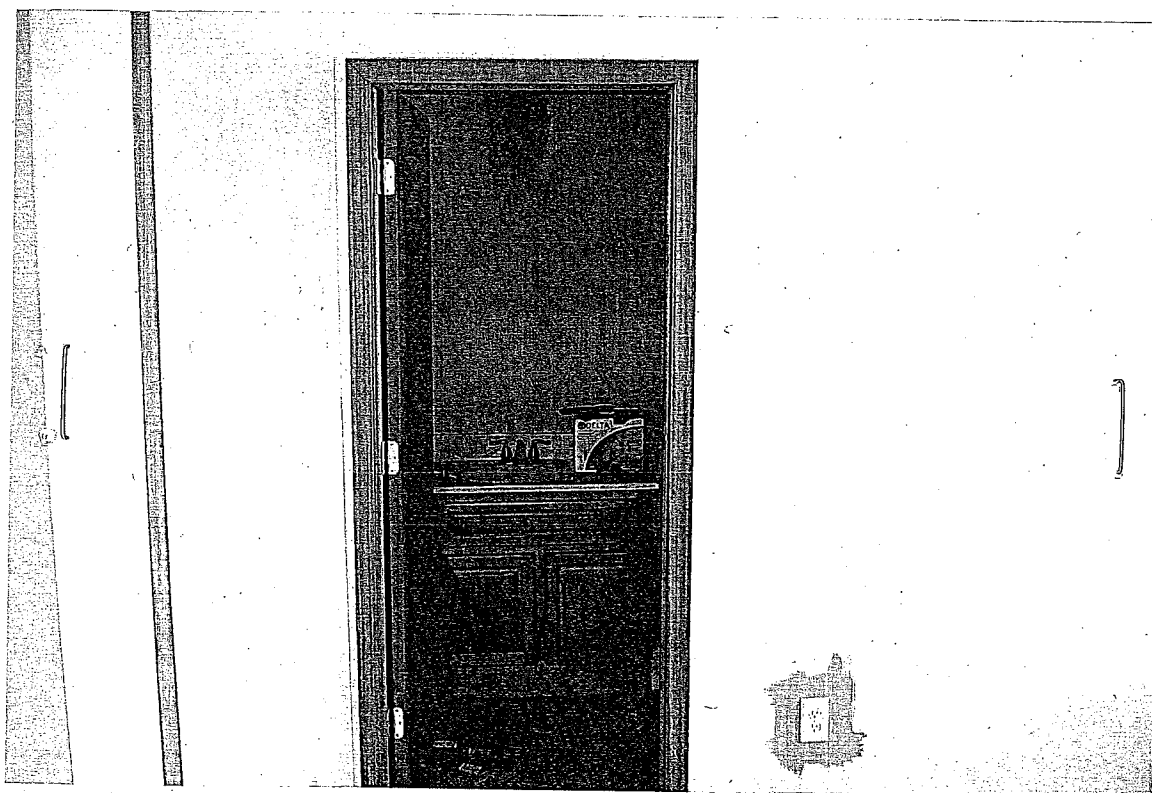
Unit 1 -
kitchen



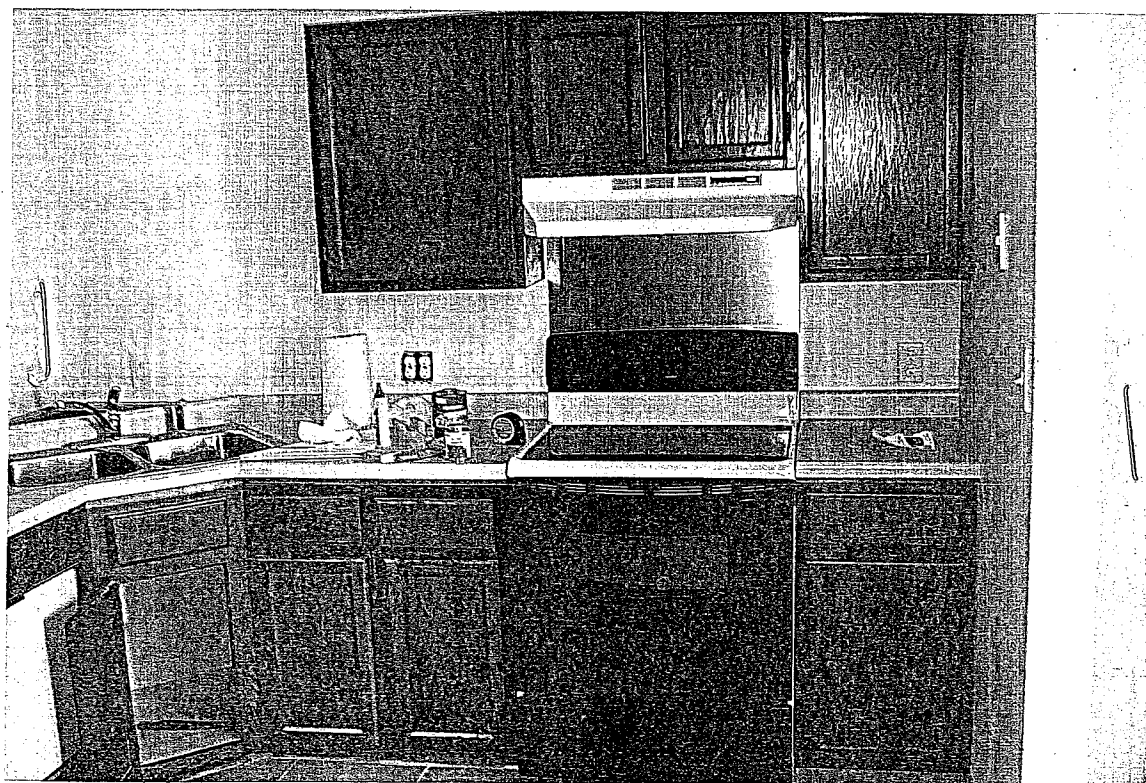
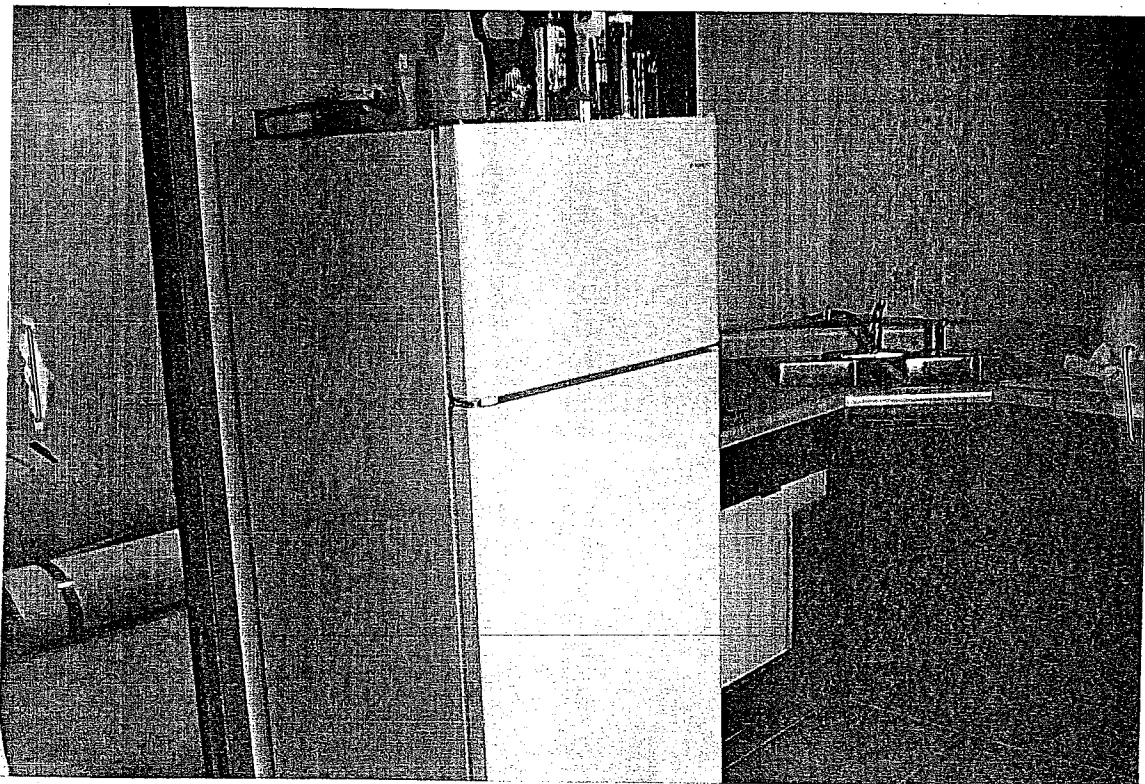
Unit 2 - Kitchen



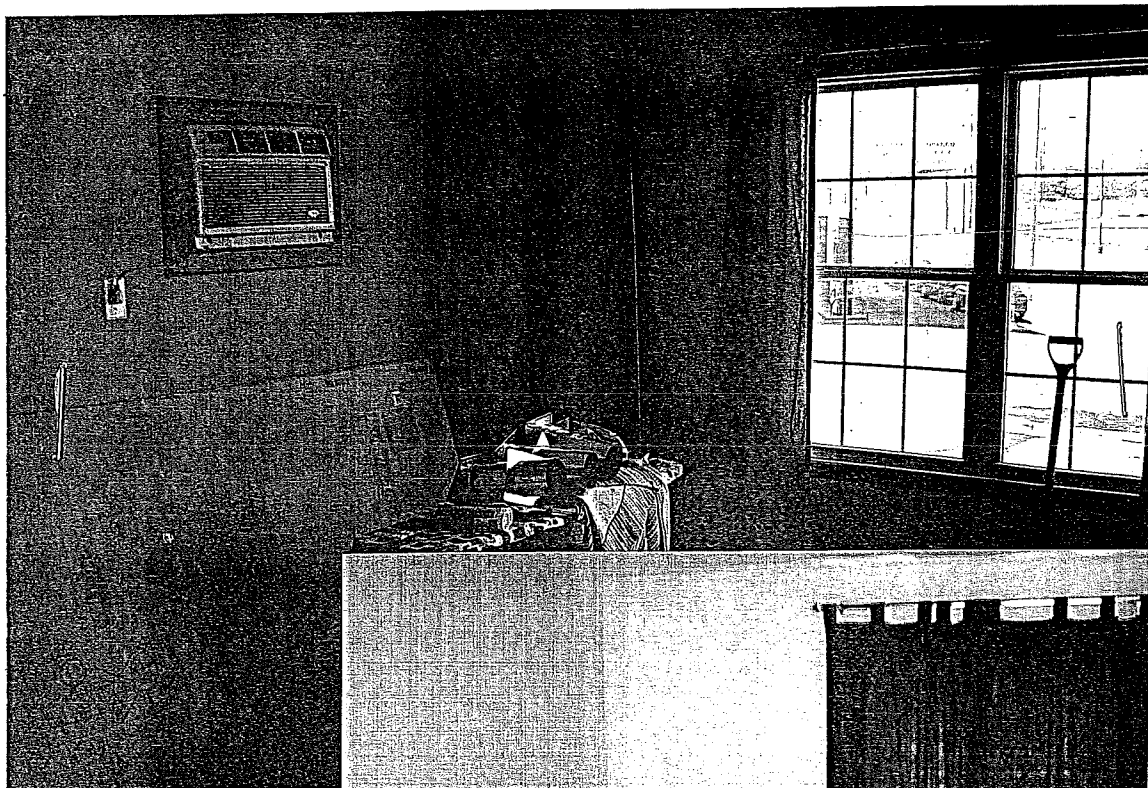
Unit 2 - living room, with bedroom
to the left



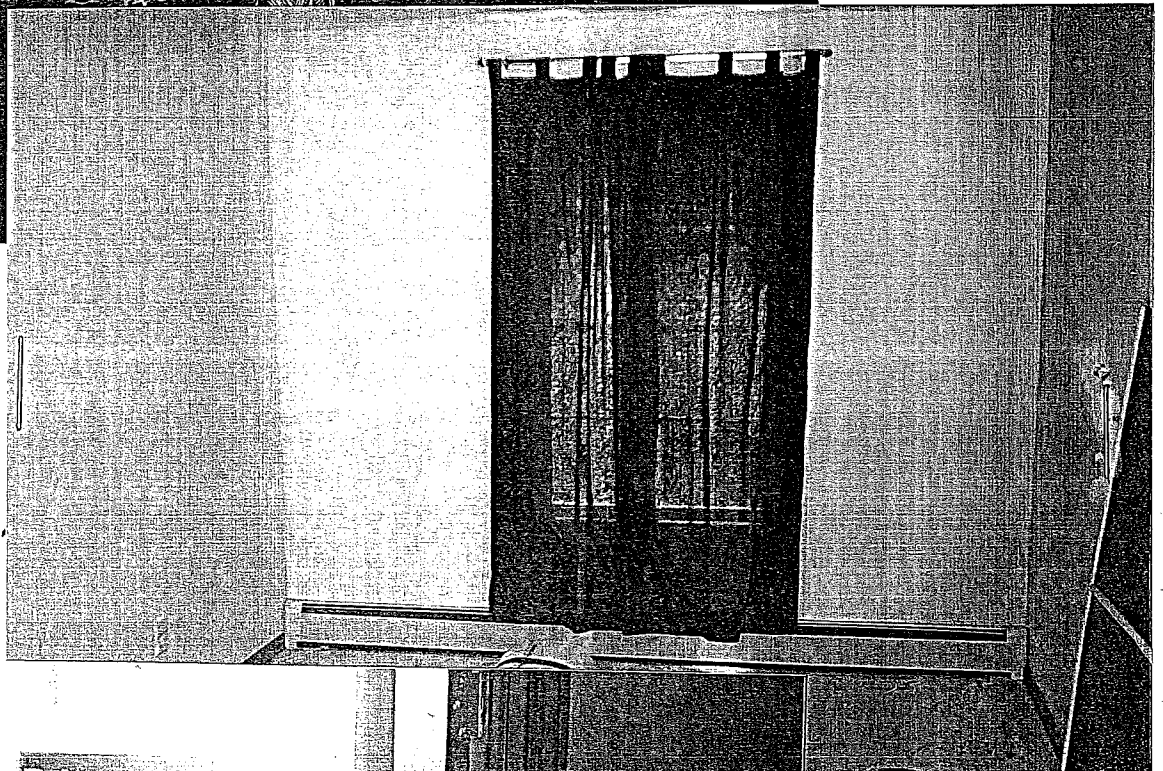
Unit 2 - Bathroom



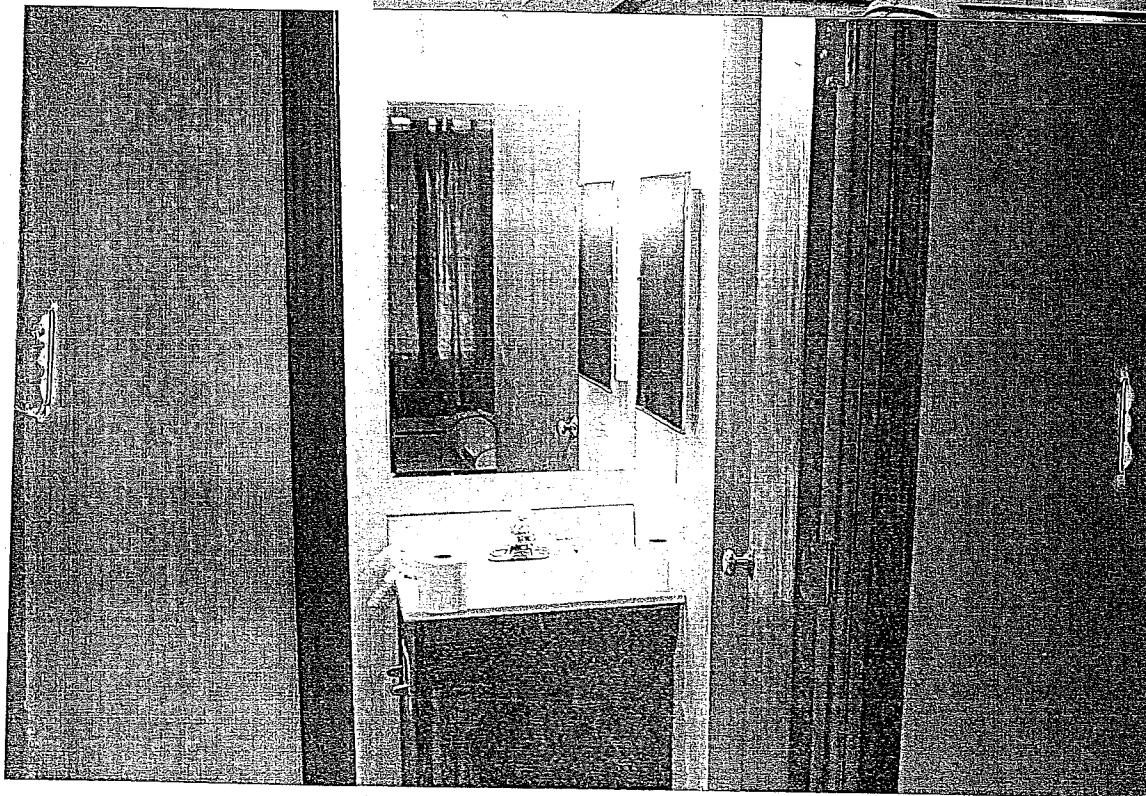
Unit 3- Kitchen



Unit 3 -
living
room



Unit 3 -
bedroom

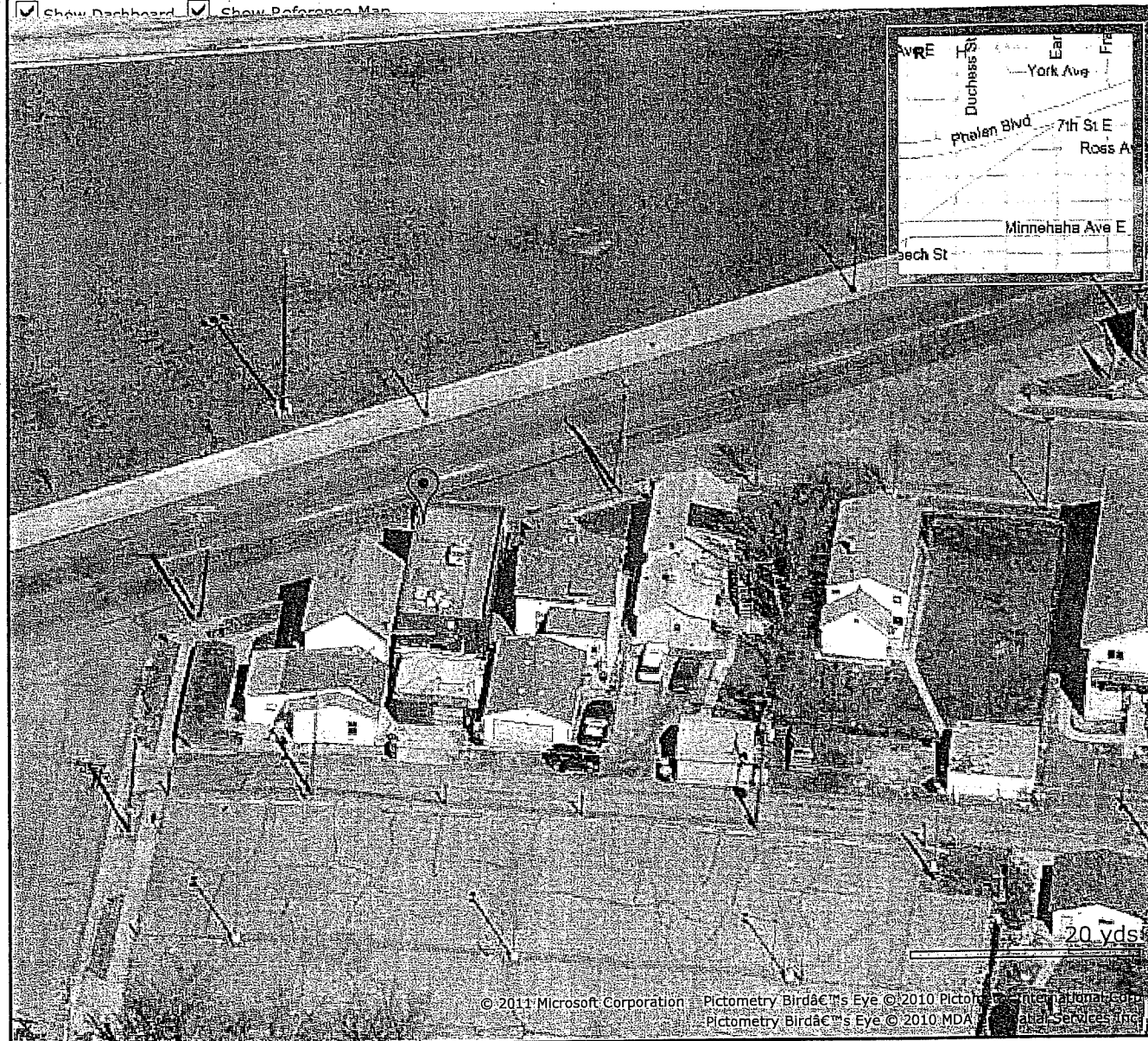


Unit 3 -
bathroom

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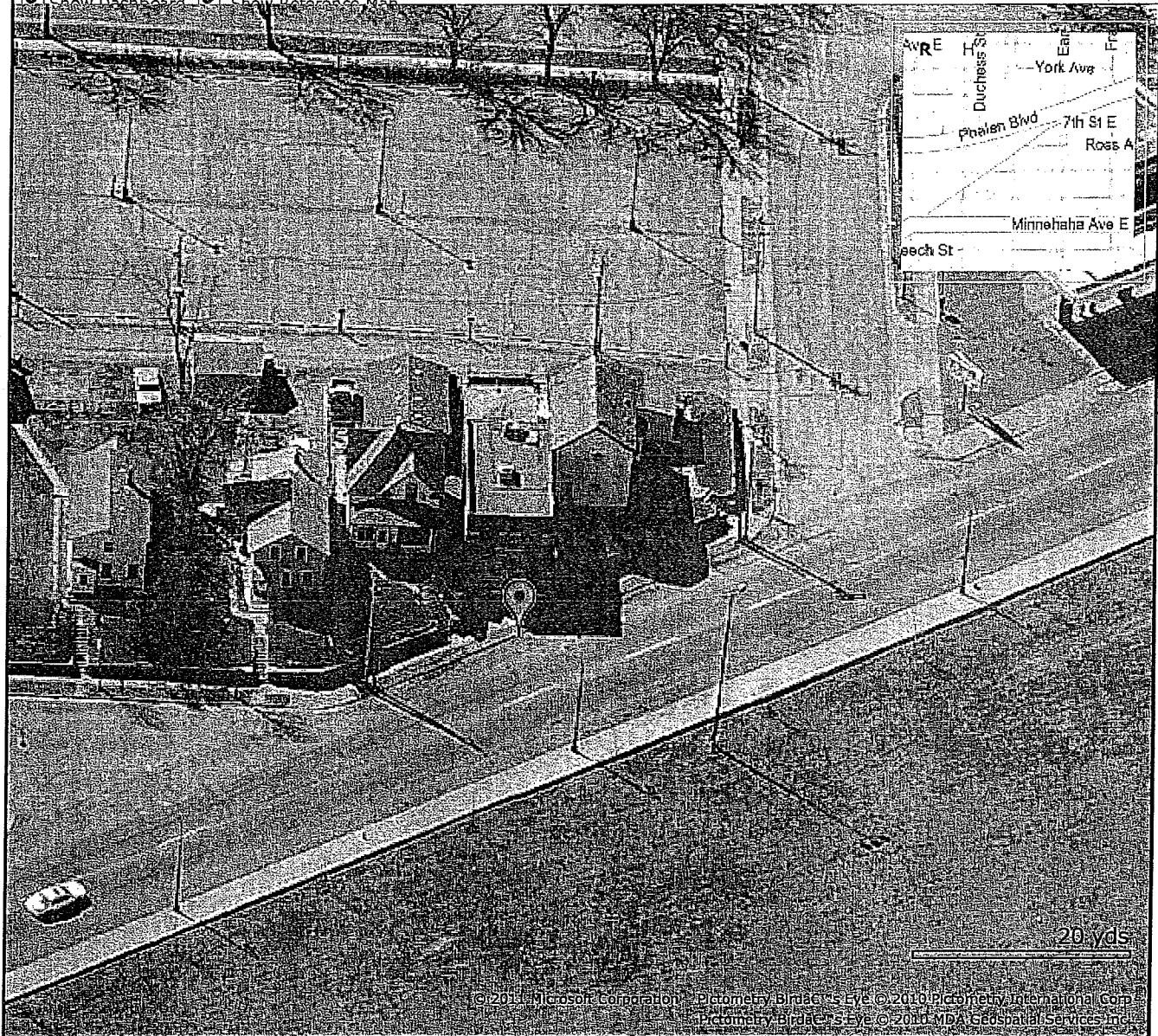
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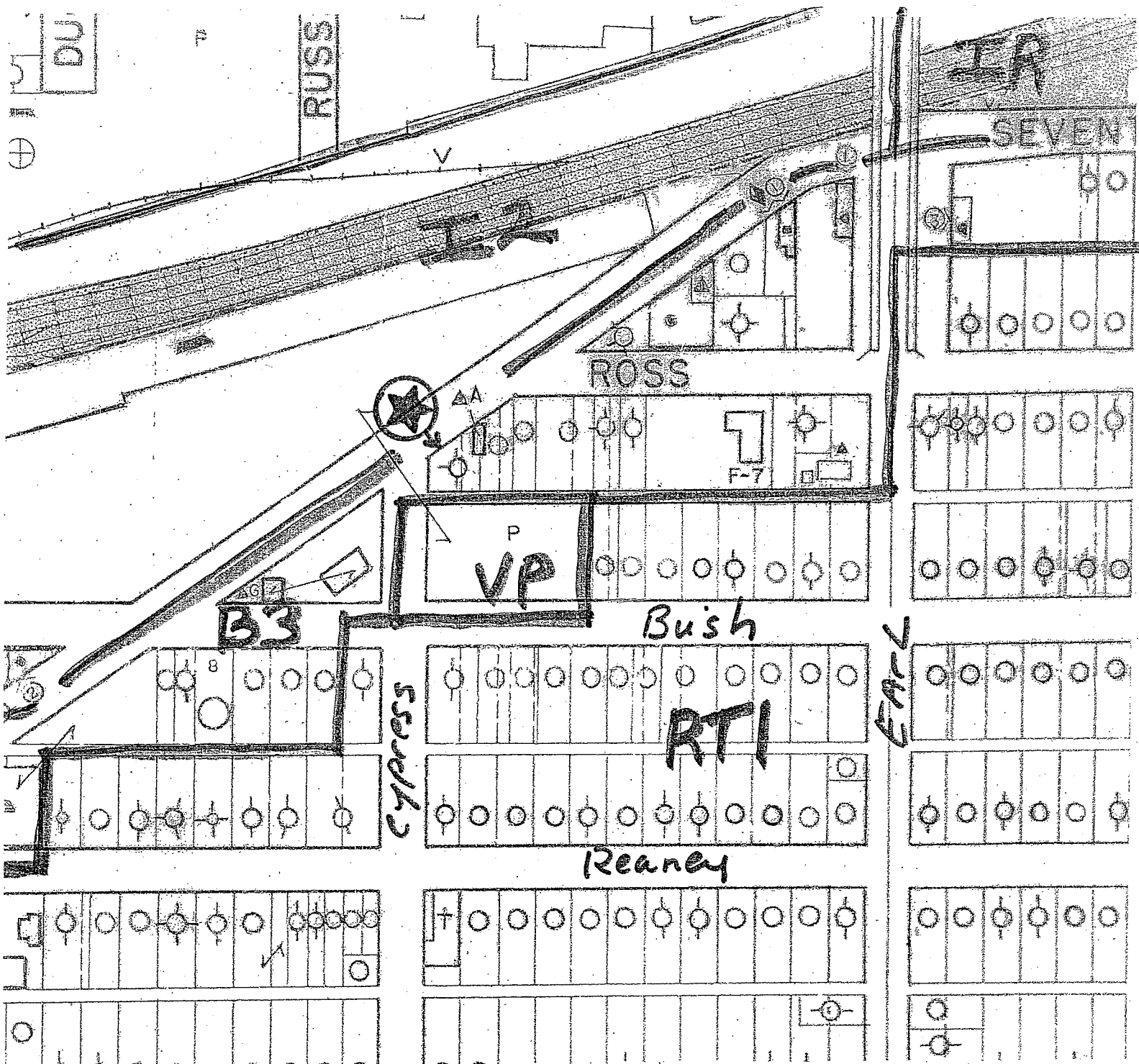


GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

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APPLICANT Allen + Bernetta Miller

PURPOSE RE-EST NCUP

FILE # 11-235029

PLNG. DIST. 4

SCALE 1" = 400'

DATE 6-6-11

Zoning MAP # 11

Land use 14



LEGEND

zoning district boundary

subject property

one family
 two family
 multiple family

north
 commercial
 industrial
 vacant

MARGARET
PLAYGROUND

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Traditions SP Land LLC **FILE #** 11-238-488
 2. **APPLICANT:** Traditions SP Land LLC **HEARING DATE:** June 30, 2011
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1554 Midway Pkwy, between Snelling and Arona
 5. **PIN & LEGAL DESCRIPTION:** 222923330018, Lake Park Addition Subj To Midway Pkwy The Vac Alley In And All Of Blk 2
 6. **PLANNING DISTRICT:** 10 **PRESENT ZONING:** RM2
 7. **ZONING CODE REFERENCE:** § 65.182 ; § 61.501; § 61.502
 8. **STAFF REPORT DATE:** June 21, 2011 **BY:** Josh Williams
 9. **DATE RECEIVED:** June 9, 2011 **60-DAY DEADLINE FOR ACTION:** August 8, 2011
-

- A. **PURPOSE:** Conditional use permit for a 170-unit assisted living facility
- B. **PARCEL SIZE:** 114580 sq. ft.
- C. **EXISTING LAND USE:** Institutional (vacant)
- D. **SURROUNDING LAND USE:**
 - North: Midway Parkway, Single-Family Residential (R4)
 - East: Single-Family Residential (R4)
 - South: Single-Family Residential (R4)
 - West: Snelling Avenue, State Fair Grounds
- E. **ZONING CODE CITATION:** §65.182 lists special conditions for nursing homes and assisted living; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** There is no zoning history for the property. From 1924 until 2008, the property was owned and operated for senior care and living by the non-profit entity Sholom. The applicant recently purchased the property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 10 Council had not provided a recommendation as of the writing of this report.
- H. **FINDINGS:**
 1. The applicant has recently purchased the now vacant building at 1554 Midway Parkway formerly occupied by the Sholom Home nursing home. The applicant proposes renovation of the building for re-use as a 170-unit assisted living facility.
 2. §65.182 lists standards and conditions for nursing homes and assisted living:
 - (a) The *yard requirements for multiple-family use in the district apply*. This condition is met. For the RM2 Multiple-family district, the front yard setback requirement is 25 feet, subject to adjustment based on the average setback of the majority of existing structures on the block, and the side and rear yard setbacks are ½ of building height. The property at 1554 Midway Parkway is a through lot, with front yards along both Midway Parkway and Canfield Avenue. The existing building meets the front yard setback requirement from Midway Parkway. Nonconforming setbacks from Arona Street, Canfield Avenue, and Snelling Avenue for the existing building, which will be unchanged, as well as for the existing parking in the front yard along Canfield Avenue, meet the yard requirements of the RM2 Multiple-family district because they are *legal* nonconforming setbacks.
 - (b) *In traditional neighborhood development districts, a facility located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.* This condition does not apply; the subject property is not located in a traditional neighborhood development district.
 - (c) *In traditional neighborhood development districts, the site shall contain a minimum of one*

hundred fifty (150) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement. This condition does not apply; the subject property is not located in a traditional neighborhood development district.

3. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The proposed use is consistent with policy 3.2 of the Housing Chapter of the Comprehensive Plan, to support new housing opportunities for low-income households throughout the City and with policy 2.18 of the same, to support the expansion of housing choices for seniors. The use is also consistent with the District 10 plan, which calls for providing lifecycle housing within the neighborhood.
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Due to the nature of the use, it is anticipated that the project will generate less vehicular traffic from resident owned vehicles as compared to a multi-family building of the same size for the general population. Midway Parkway, classified as a collector street, has a service street along the entire block occupied by the subject property, via which transportation providers can access a vehicle pull-through for passenger pick-up and drop-off.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The use is similar in character to the previous use of the building as a nursing home, and will re-occupy a currently vacant building.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will re-occupy a vacant building with a use compatible with the surrounding residential properties.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a conditional use permit for a 170-unit assisted living facility at 1554 Midway Parkway.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File # 11-238488Fee: 1000.00

Tentative Hearing Date:

6-30-11

PD=10

222923330018

APPLICANTName Traditions SP Land, LLCAddress 2116 2nd Avenue SouthCity Minneapolis St. MN Zip 55404 Daytime Phone 612 701 9688

Name of Owner (if different) _____

Contact Person (if different) Rhett A. McSweeney Phone 612 701 9688**PROPERTY
LOCATION**Address / Location 1554 Midway ParkwayLegal Description See Attached Exhibit ACurrent Zoning RM2

(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of

Chapter 61, Section 501, Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

1554 Midway Parkway is currently zoned RM2. The intended use of the property is for the development of 170 unit senior housing campus. 19 units will provide memory/dementia care and the remaining units will be assisted living. This is a permitted use under RM2.

1000⁰⁰
eK
10500☒ Required site plan is attachedApplicant's Signature [Signature]Date 6/9/11City Agent pdd
6-9-11

From: "Rhett McSweeney" <ram@mcfay.com>
To: "Paul Dubruiel" <Paul.Dubruiel@ci.stpaul.mn.us>
Date: 6/13/2011 11:20 AM
Subject: RE: 1554 Midway Pkwy

Paul,

In follow up to our phone conversation, I will address the general standards set out in §61.501 as they pertain to my application.

(a) The parcel is currently zoned RM2. Our use is consistent with the comprehensive plans goals for district 10 in providing "Its residents will have a diverse choice of housing options through their lifetimes." Providing affordable senior housing in the district is consistent with the comprehensive plan. The renovation of this neighborhood landmark will also serve the comprehensive plans goal of preserving the character of the district and increasing adjacent property owners home values by improving the property.

(b) Senior Housing places far less demand on city streets than other residential developments. The property has ample parking.

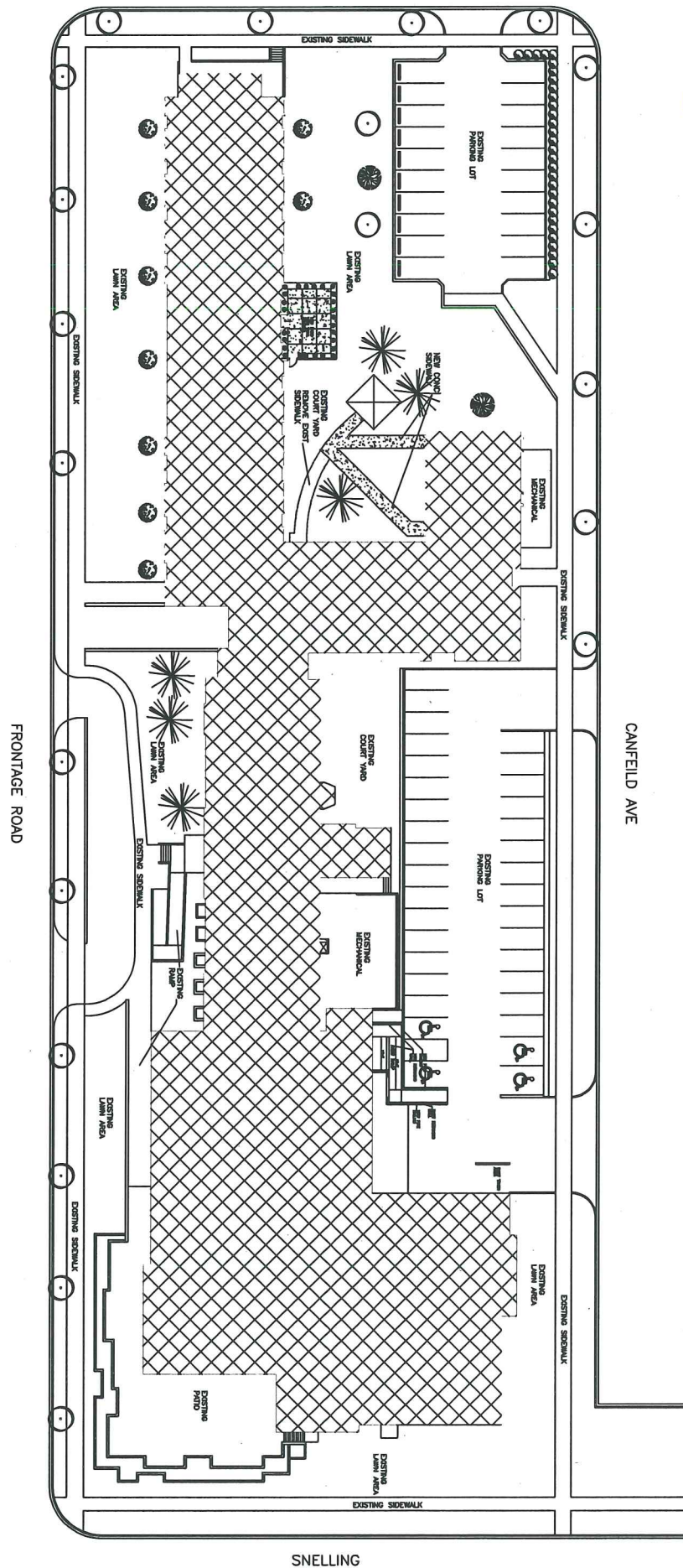
(c) Renovating and Occupying this building will increase the safety of the neighborhood. Senior residents are ideal neighbors. Employees will be on hand monitoring the property 24/7.

(d) The renovation will enhance the neighborhood and will not impede any other allowed development in the district.

(e) Re-establishing senior housing at this location will conform to all applicable regulations in district 10.

I hope that I have addressed your questions. If you require any additional clarification, kindly let me know.

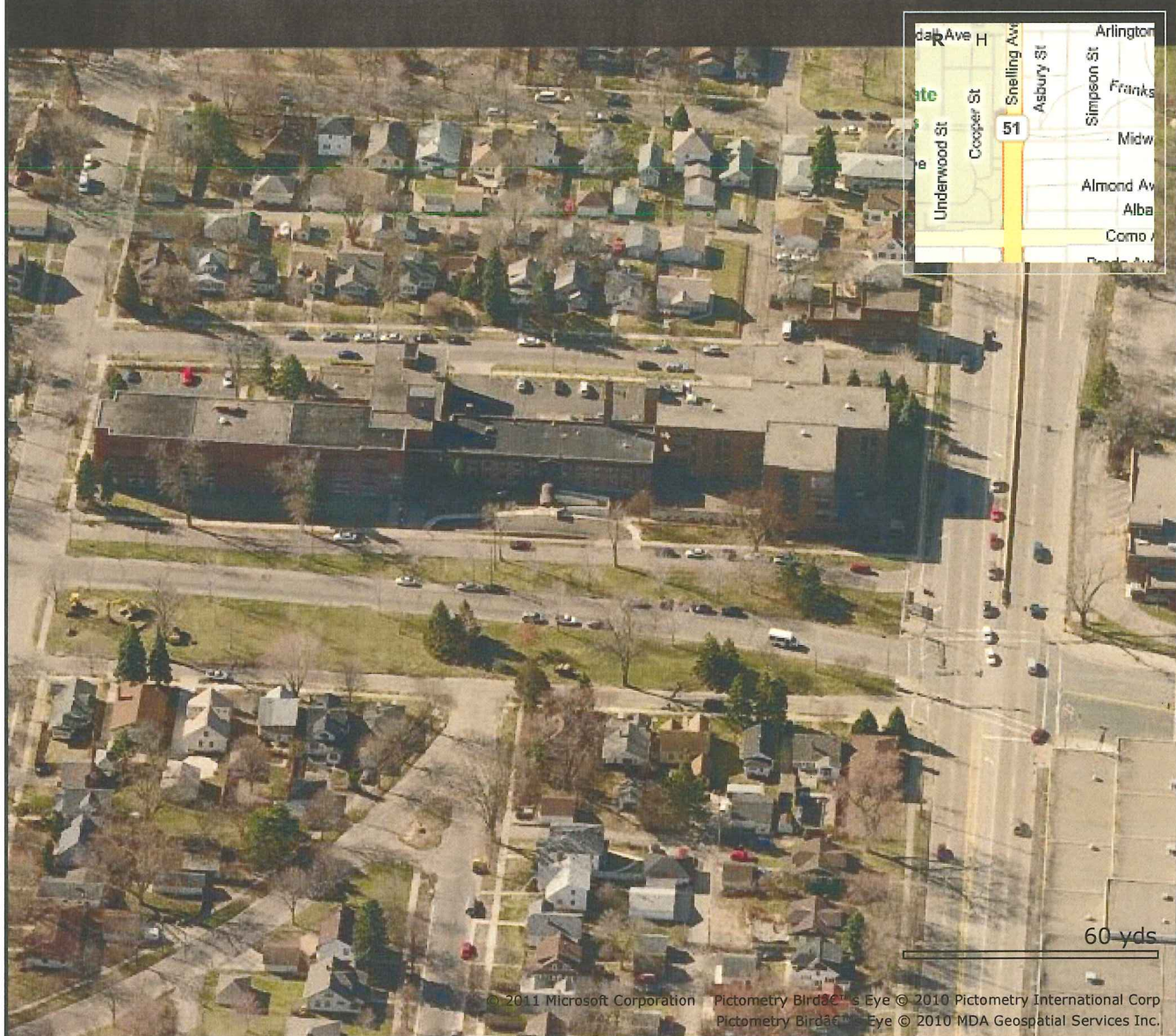
Per _____



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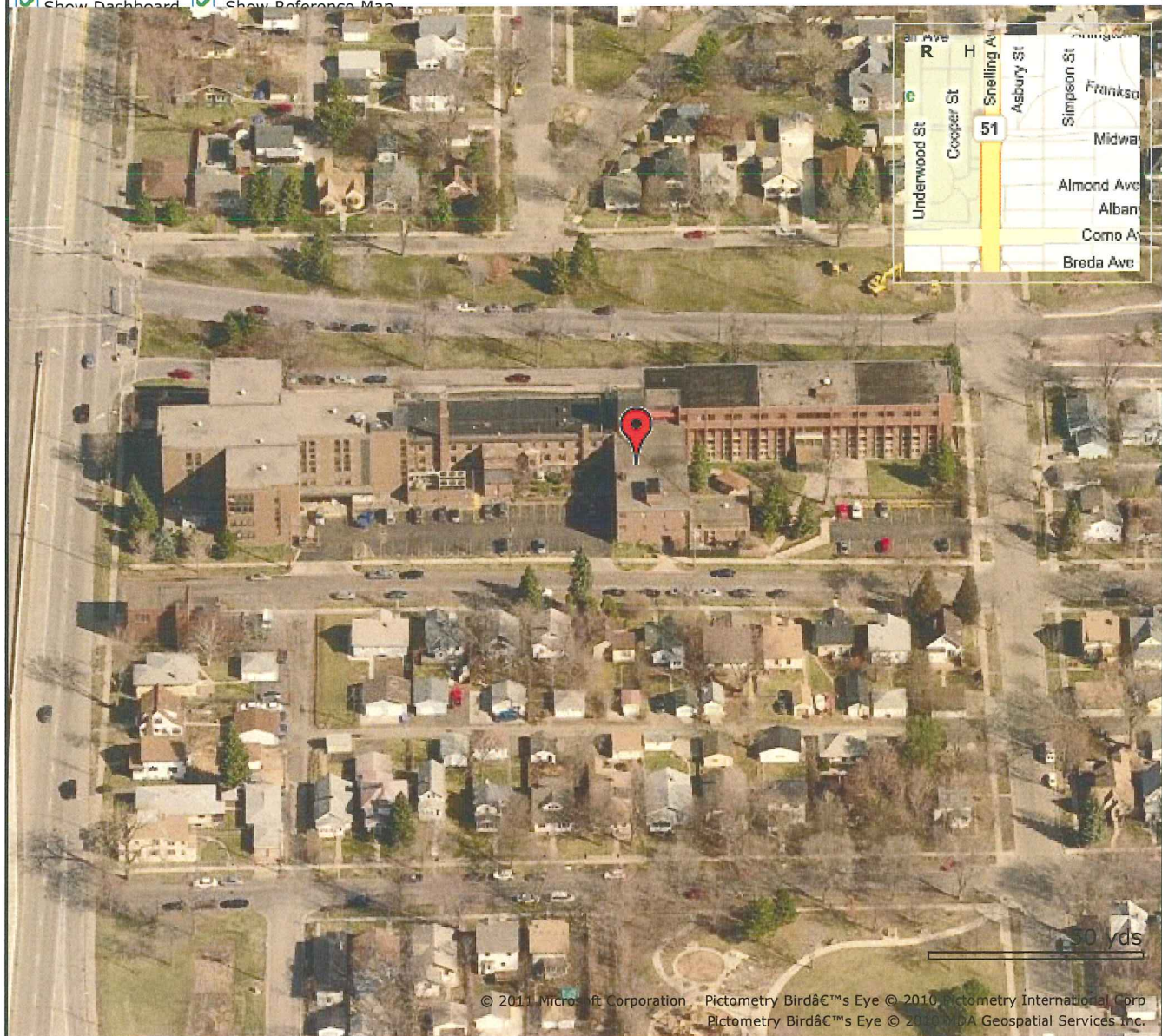


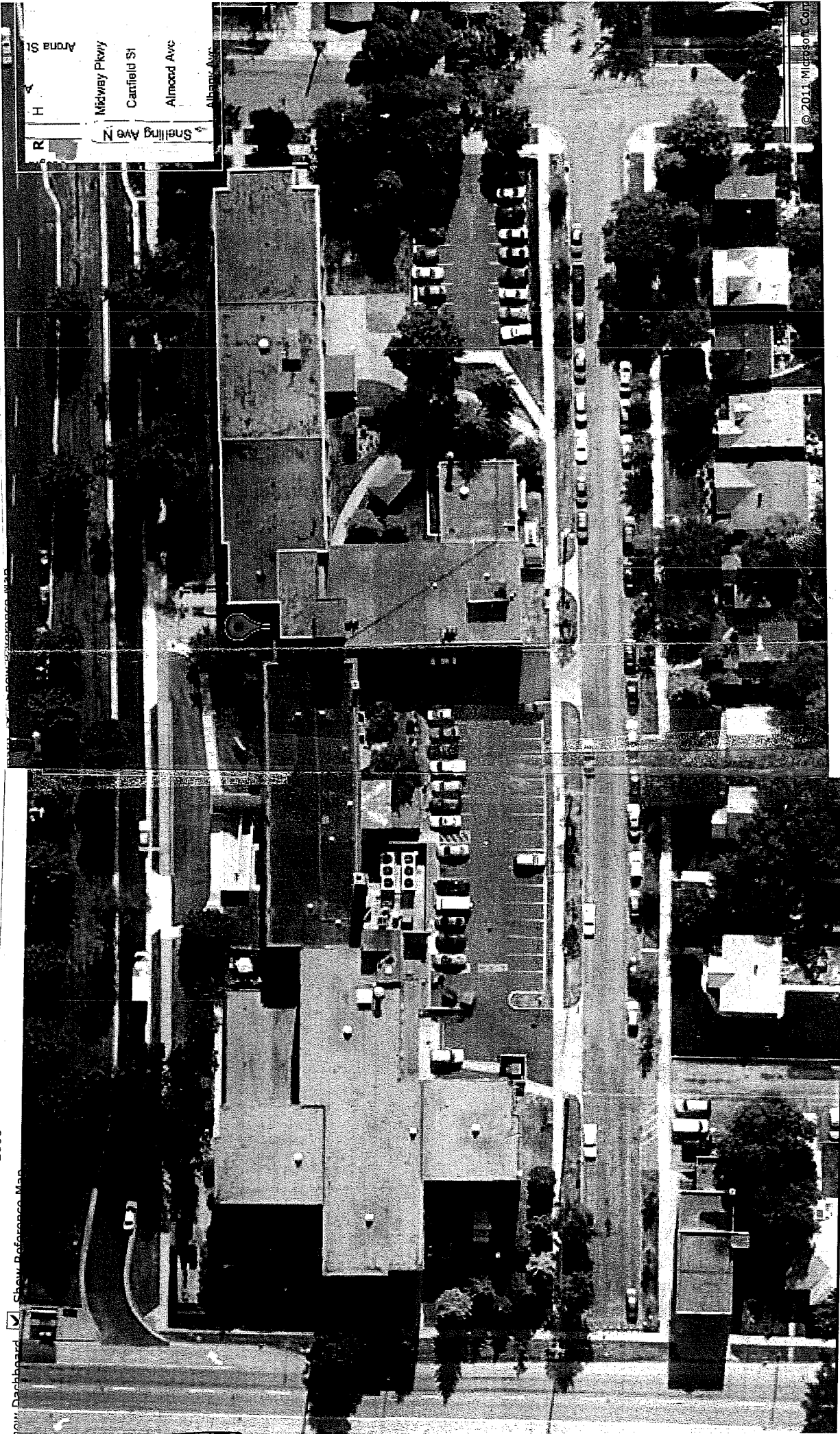
↑
S
Front

GISmo Oblique Photography

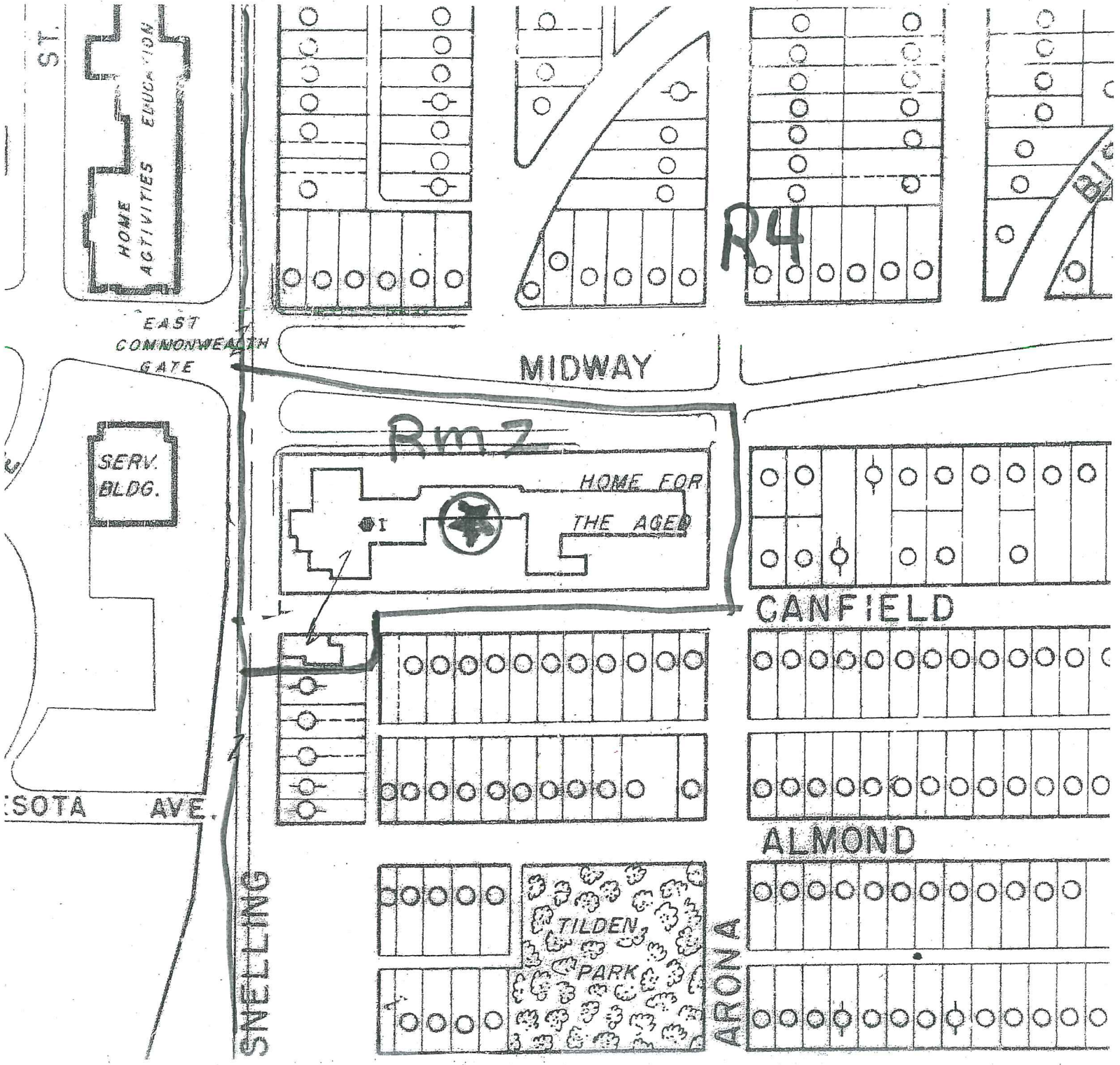
Images courtesy of: Microsoft® Virtual Earth™ 2006

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APPLICANT Traditions SP Land LLC
 PURPOSE Conditional Use Permit
 FILE # 11-238488 DATE 6-13-11
 PLNG. DIST. 10 Landuse MAP # 2
 SCALE 1" = 400' Zoning 2

LEGEND

————— zoning district boundary
 ▨ subject property

○ one family
 ⊙ two family
 ⊙ ⊙ multiple family

• ▲ ⊙ commercial
 ◆ — industrial
 V vacant

north

